1968

The History and Development of the Movement to Establish a National System of Education in the United States: 1776 to 1860

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THE HISTORY AND DEVELOPMENT OF THE MOVEMENT TO ESTABLISH A NATIONAL SYSTEM OF EDUCATION IN THE UNITED STATES - 1776 TO 1860

by

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A Dissertation Submitted to the Faculty of the Graduate School of Loyola University in Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy

February

1968

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CHAPTER ONE

AN INTRODUCTION

If a nation expects to be ignorant and free . . . it expects what never was and never will be."[1] "Enlighten the people generally, and tyranny and oppressions of body and mind will vanish like evil spirits at the dawn of day."[2] These words of Thomas Jefferson were typical of our Founding Fathers concern for education. Although education had been considered by the Confederation Government as envisioned in the Northwest Ordinances of 1785, and 1787, the Constitution of the United States remained silent on the subject of education. One cannot conclude that this constitutional silence meant that the Founding Fathers were unconcerned about educational matters. The very silence of a government whose Founding Fathers continually commented upon education poses an intriguing question. Why is there no mention of education in the Constitution of the United States? Why has the United States never established a national system of education? Was there ever a possibility of the establishment of a national system of education?

In examining the movement for the establishment of a national system of

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[1]Thomas Jefferson, Letter to Horatio G. Spafford, March 17, 1814, Writings, ed. Paul Ford (New York: 1892-99), IX, p. 236.

[2]Ibid.

education in the United States, this paper will trace the history and development of this movement from the Constitutional period to the Civil War. Few references have been made to this movement; no exhaustive examination of this movement has been made. Although a national system of education does not exist, the record of the movement to establish such a system is a significant phase in American educational history.

Before tracing an historical movement which is so closely united with the struggles of a new born nation, one must review some guiding principles that permeated the early legislative atmosphere. The characteristics of general legislation during the opening decades of our nation may also be applied to legislation concerning education such as the battle of the "loose" versus the "strict" constructionists. This concept is aptly summarized:

> Thus, there have existed in Congress from the earliest days down to the present the two opposing viewpoints, the one holding that legislation concerning education constitutes an implied power of Congress amply covered by the general welfare clause of the Constitution, while the other point of view has constantly gravitated about the central thoughts promulgated by the States' rights adherents that such legislation is unconstitutional since the power of legislation concerning education is not enumerated among the expressed powers of Congress, and that such legislation is fundamentally opposed to the doctrine of State aristocracy in admitting the purely local affairs of the state, and in contradiction to national centralization.[3]

Once we envision that discussions on education also fell into the realm of interpretation by both sides; then, we can visualize the role that education

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[3]George B. Germann, National Legislation Concerning Education: Its Influence and Effect in the Public Land States East of the Mississippi River Admitted Prior to 1820, (New York, 1899), p. 9.

finally assumed in the United States.

Our initial thoughts noted that while the Confederation government took a step into educational involvement through the enactment of the Northwest Ordinances, the Constitution of the United States remained silent on the subject of education. The legislation concerning education did not escape the general movement of discussions and comments about constitutional interpretation and application.

Our task obviously will be to study a movement that never succeeded. Despite recent legislation passed by the federal Congress no genuine or factual federal system of education has been established. However, our purpose is to show that such a movement did exist. By examining and tracing its movement, we shall acquire a better understanding of why such a movement did not succeed. We shall also be able to better understand the role of the federal government in education.

This paper will trace the history and development of the movement to establish a national system of education. It will focus first upon the Northwest Ordinances of the Continental Congress and analyze their relationship as the foundation for future Congressional action. Since the Constitution contains no clause relating to education, an examination of the proceedings at the Convention is necessary in order to determine the attitudes of the Founding Fathers toward education.

To pursue this topic without examining the writers of the eighteenth century who commented upon American education would be to fail to provide the background from which the movement stemmed. Thus, Chapter Three is entitled "The Heavenly Schools of the Eighteenth Century." In Chapter Four the early

attempts of founding a national system of education and a national university are viewed. Next, we see the movement caught up in the conflict between the sections. Herein lies a main failing of the movement, that is, its inability to establish itself as an independent movement. The score of years as seen in Chapter Six from 1840 to 1860, witnessed the major accomplishments of the movement to establish a national system of education in such things as the Partridge Memorial, the Morrill Act and the Distribution and Pre-Emption Bill of 1841. In the final chapter the movement to establish a national system of education before the Civil War is summarized as to the trend itself and the basic causes of its failure.

CHAPTER TWO

THE FOUNDING OF THE REPUBLIC

The law of the United States embraces English common law, American traditions, remnants of Colonial legislations, and primarily the Constitution of the United States implemented by legislations and amplified by the courts. The first American laws emanated from the Continental Congresses. A brief review of the proceedings of the Continental Congresses indicates that their main concern was the Revolution, the war effort and its problems, and other pressing problems such as treaties and diplomatic relations.[4]

Although Continental Congressmen found little time to devote to educational questions, the passage of the Northwest Ordinances of 1785, and 1787, clearly indicated the Continental Congresses' concern for education. The Northwest Ordinance of 1784, was primarily concerned with the general structure of governmental organization of the North West Territory.[5] The Ordinances of

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[4] A good work on the Continental Congress is Edmund Burnett's, The Continental Congress, (New York, 1941). The actual proceedings of the Continental Congress can be found in W. C. Ford, ed., Journals of the Continental Congress, 34 vol. (New York, 1904-37).

[5] W. C. Ford, ed. Journals of the Continental Congress, (New York, 1904-37), XXV pp. 273-9.

1785, and 1787, moved from the guideline form of the Ordinance of 1784, to a more specific organization.[6] The committee chairman on the formation of these ordinances was Thomas Jefferson. The oft-quoted line "religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged," was incorporated into the Ordinances of 1785, and 1787. The proceedings of the Congress indicated that there was no objection to this article. The only debate was whether or not the words "charitable institutions" should be added.[7] These articles indicated the Continental Congresses' concern for education. Moreover, it should be noted that these articles were also concerned with Indian affairs and other internal improvements.

An important factor to be noted was that schools were connected with land grants. Why Land grants? Simply stated, the newly founded government had little money and much land. For this reason, education, schools and other questions of internal improvement will be related to the land question. In subsequent chapters, the relationship of federal legislation to schools and education will be noted.

Since a collation of the materials of the Continental Congress has never been completed and since the Continental Congress never published its committee meeting reports, research sources are rather limited. Analysis of available

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[6] Ibid., XXVIII, pp. 254, 293, 296, 301, 375-81.

[7] U.S. Continental Congress, An Ordinance for the Government of the Territory of the United States. This is a photographic fascimile of the Ordinance which is found in the Ayers Collection of the Newberry Library. It was a gift from the library of William L. Clemente.

sources has demonstrated that education was not only discussed but in spite of pressing problems and significant legislation, the Northwest Ordinances were passed.

The Grand Convention of 1787, in Philadelphia, faced a plethora of problems. The resulting effort, the Federal Constitution, represented a collation of ideas. One of the questions posed in chapter one was: Why was there no mention of education in the Federal Constitution?

The accounting of the proceedings of the Federal Constitution have been interpreted by several leading historian-educators. Gladys A. Wiggin has presented this account.

> The education of the guardians of the state did, however, come up for consideration, and thereby, hangs an interesting tale. On May 29, 1787, Charles Pinckney laid before the convention a draft of a Federal government. In August, 1787, James Madison submitted, for consideration of the committee of the whole, the proposition that authority to establish a university be added to the general powers of the General Legislatures. In September, Madison and Pinckney moved to insert amongst the powers vested in Congress one which gave authority 'to establish an University in which no preference or distinctions should be allowed on account of Religion.' The motion was supported by Wilson but it was voted down because Gouverneur Morris pointed out that as Congress had exclusive power at the "Seat of Government" (Later the District of Columbia), it also had power to establish a national university therein. Thus was extinguished the only mention that might have been made in the Constitution of an educational institution.[8]

Professor Ellwood P. Cubberly, the noted historian-educator viewed the questions of a national system of education at the time of the Constitutional Convention thusly:

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[8]Gladys A. Wiggin, Education and Nationalism: An Historical Interpretation of American Education, (New York, 1962), p. 71. The quoted passages within the citation are from Edgar Knight, A Documentary History of Education in the South before 1860, III Toward Educational Independence (New York, 1950), pp. 6-9.

> . . . and a search of the debates of the Convention reveals that only once was anything relating to education brought before that body. Even then it was but a question, answered by the chairman, and related to the power under the new Constitution to establish a national university at the seat of the government. The chair ruled that the new government would have such power.[9]

Obviously, the two accounts differ. One's first reaction is was there a motion or was there a question? The second point of contention is: Was there a vote or was the issue decided by the chair? The only way to resolve this dilemma is to return to the records of the convention and to view what is actually recorded. Max Farrand's compilation of the Constitutional Convention records is the best compilation of the notes on the convention. Let us quote from these records:

> Mr. Madison and Mr. Pinkey then moved to insert in the list of powers vested in Congress a power--'To establish a University, in which no preference or distinction should be allowed on account of religion.'
>
> Mr. Wilson supported the motion.
>
> Mr. Govr. Morris. It is not necessary. The exclusive power at the seat of Government will reach the object.
>
> On the question.
>
> N. H. no Ma. no Cont. divd. Dr. Johnson ay.
> Mr. Sherman no. N. J. no Pa. ay Del. no Md. no
>
> Ayes 4 noes 6 divided 1
>
> Moved to authorize Congress to establish an university to which and the honors and emoluments of which all persons may be admitted without distinction of religion whatever. Congress

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[9]Ellwood P. Cubberly, Public Education in the United States, (New York, 1947, ed.), p. 89.

> enabled to erect such an institution in the place of general gov't. The Congress to possess exclusive jurisdiction.10

Obviously, education was discussed at the Federal Convention. The subject of education was embodied in the discussion on establishing a national university. The discussion was not a mere question but was placed in the form of a motion. The chair did not dismiss the question. A vote taken on the subject of establishing a national university was defeated. Why it was defeated we do not know. The Framers may have felt that Congress had the power to establish a university and that such a power need not be enumerated in the Constitution.

Although the discussion on the question was not recorded, some of the participants in this discussion did comment on the issue at a later date. Mr. Roger Sherman in the House of Representatives on May 3, 1790, extended these remarks:

> Mr. Sherman said, that a proposition to vest Congress with power to establish a National University was made in the Convention; but it was negative. It was thought that this power should be exercised by the States in their separate capacity.11

To place control of education in the hands of the states as suggested by Mr. Sherman introduced a new avenue for consideration which had not specifically been mentioned in the Constitutional Convention. Thus, three viewpoints on education were present in these early years. One was that Congress could

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[10]Max Farrand, The Records of the Federal Convention, (New York, 1911), II, p. 616.

[11]Ibid., III, p. 362.

control education as an exercise of its power over the seat of government. The second was that Congress could implement education by means of an enumerated power. The third view indicated that education should be placed within the hands of the individual states.

Mr. Pinckney, a proponent of federal involvement in education stated:

> I am doubtful whether the Convention will at first be inclined to proceed as far as I have intended; but this I think may be safely asserted that upon a clear and comprehensive view of the relative situation of the Union, and its Members, we shall be conviened on the policy of concentering in the Federal Head, a complete supremacy in the affairs of government; leaving only to the states such powers as may be necessary for the management of their internal concerns.
>
> The first object, with the Convention must be to determine our principles--the most leading of these are, the just proportion of representation, and the arrangement of distribution of Powers of Government.[12]

These statements have indicated what was suggested in chapter one. The battle of the "loose" v. the "strict" constructionists permeated the topic of education. In the spirit of compromise and trying to develop a working document certain considerations were deleted from the final draft. The major objectives of the Constitution was, as has been pointed out by Mr. Pinckney, to develop a working framework for the new government by which it could function.

Therefore, it is more correct to say that the matter of education as envisaged in the national university was presented for discussion; a vote taken; and the motion was defeated. The reason for the defeat is not certain. It may be that the power was implied in Congress' power to control the seat of

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[12]Ibid., III, pp. 122-3.

government or it may have been defeated for another reason.

Professor Edward H. Resiner views the subject:

> The Constitution of the United States is silent on the subject of education. Apparently the men who framed it did not consider it to be either feasible or desirable that the national government should be made the agency for the development and administration of educational funds. By implication of the tenth amendment (1791) education took its place alongside of all other powers not specifically granted to the federal government as being the exclusive perogative and interest of the several states.[13]

From our present trend of discussion, we can concur with Professor Resiner that the framers did not find it feasible, but we can not fully concur that the framers did not find it desirable to place education within the scope of the Federal Constitution. Moreover, further investigation of this subject will demonstrate that rather than giving control to the states, some groups felt that control of education was purely a local matter; while still other groups looked forward to the time when the federal government would initiate educational lesislation. While we are not stating that Dr. Reisner is incorrect in his statement, we are contending that several other viewpoints were present. Through the years the role of the federal government in education has been viewed as a matter of local or state concern. However, when viewed in the historical context of the time of the Constitutional Convention, there were groups, individuals and much thought on the issue of education. It is immediately conceeded that the movement to establish a national system of education was a minority movement. Although control of education has been viewed as a matter of local or state concern, it cannot

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[13]Edward H. Reisner, Nationalism and Education since 1789, (New York, 1922), pp. 358-9.

be simply stated that at the time of the Constitutional Convention this view was unanimously held. In examining the legislative role of the government and the writings of the proponents, we shall endeavor to examine the issue as it was viewed in the nineteenth century.

CHAPTER THREE

THE HEAVENLY SCHOOLS OF THE EIGHTEENTH CENTURY PHILOSOPHERS

The Eighteenth Century, hearlded as the Age of Enlightenment, witnessed a two-fold attack on the Old Regime. While the intellectuals attacked prevailing ideas and concepts, the middle-class began its assault on existing political and social structures. Significantly, the bourgeoise upheavals spanned continents so that today historians look upon these events not as spearate revolutions, but as the Atlantic Revolution.

Intellectual exhortations often served as sparks to ignite the tinder boxes of unrest and as guiding lights for newly created political institutions. Any new idea had to be tried and tested before it was incorporated into new institutions.

Those men who tried to place the ideas of the Enlightenment into practice were indeed brave men. Moving from a monarchy to a republican form of government was innovating and challenging. The fact that the stakes were high in this venture is evidenced by the closing lines of the Declaration of Independence.[14] However, complete implementation of the ideals of the intellectuals were far from the grasps of the Realpolitik.

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[14] The closing lines read: "And, for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor."

The Eighteenth century intellectuals advocated a world which bordered on perfection of the human state. The schools and the curriculum which they proposed did not exist nor were they to come into existence immediately. Even though Rousseau wrote Emile in 1762, advocating individualism and individual growth in educating children, the world had to wait more than a century to see this concept refined by such educators as Froebel and Pestalozzi. The distinguished historian, Carl Becker, has described the attitudes of the Eighteenth century philosophers as a heavenly city.[15] If the Eighteenth century philosophers' general thoughts can be characterized as a heavenly city, then it follows that their concepts on education are the "heavenly schools of the Eighteenth century."

Our first reaction is: What were their thoughts on education? What type of education did they propose? Did they communicate with one another? Were they organized? Who were they? The answer to these questions can be found in their publications and comments. A search of existing publications indicates that many learned individuals had much to say about the educational structure of the new nation. In addition to individual works, the American Philosophical Society was a sounding board for the intellectuals of the new nation. Founded in 1743, and merged with the Junto in 1769, the American Philosophical Society sought to communicate "all philosophical experiments that let light into the nature of things, tend to increase the power of men over matter, and multiply the conviences or pleasures of life."[16] The Society

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[15]Carl Becker, The Heavenly City of the Eighteenth Century Philosophers, 11th ed. (New York, 1955).

[16]Proceedings of the American Philosophical Society, III, (1843), p. 9.

usually meet once a month:

> . . . to communicate to each other their observations and experiments; to receive, read and consider such letters, communications, or queries as shall be sent from distant members; to direct the dispersing of the copies of such communications as are valuable to other distant members, in order to secure their sentiments thereupon.[17]

These scholars pursued all areas of learning including philosophy, social studies, science and politics.[18] Since this esteemed body drew its membership from all parts of the country, it was only natural that it would interest itself in the problems which the new government faced.

The American Philosophical Society offered a prize for the best essay on the topic: "The best system of liberal education and literary instruction, adapted on the genius of the Government of the United States; comprehending also a plan for instituting and conducting public schools in this country, on principles of the most extensive utility."[19] The Prize money was split between Samuel Knox and Samuel Harrison Smith who presented the best essays.

From the statement of the Society other essays were submitted; however, only these two prize-winning essays have remained. The Knox and the Smith essays were practical and presented specific structures for the proposed systems of education. These essays were not merely "Utopian Ideas" but were based as the rules of the contest suggested "on principles of the most extensive utility."[20] The authors sincerely indicated that these were

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[17] Ibid.

[18] Ibid., p. 15.

[19] Samuel Knox, Essay on Education, (Baltimore, 1799), p. 45.

[20] Ibid.

practical approaches toward the establishment of a national system of education. We shall now briefly review these two essays.[21]

Samuel Knox's essay on education was divided into two major sections: The first section was an address to the legislature of Maryland; the second section pertained to a national system of education. The mere fact that Knox's essay was addressed to both the state legislature and to the topic of a national system of education indicated the feeling that state governments should act if the federal government failed to respond in the area of education.

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[21]Alan Oscar Hanse, in his book, Liberalism and American Education in the Eighteenth Century, (New York, 1923), presents an admirable review of the writings of the Eighteenth Century essayists on education. However, Professor Hansen's major flaw is that he often places in quotation marks his own comments. He does not always distinguish between his paraphrasing and the original document. Professor Hansen often uses a reprint of an essay rather than using the original print. Such discrepancies make it difficult to cite Hansen when quoting an article. For this reason any citation used in this chapter is based upon the original material. Since Professor Hansen's objective was to portray the climate of liberalism, he takes selections from several essays of an author and combines them to demonstrate his contention. This method is not well suited for the purposes of this dissertation. Although some have viewed Hansen's work as a guide post to the materials of the early American writers, the American Antiquarian Society has published an excellent index to all writings published in the United States before 1800. All of these works are available on microcards which are certified copies of the original works. The indexing and gathering of these materials occurred at the same time Professor Hansen was preparing his book. Unfortunately, subsequent authors in the field of education have used Hansen's work as the primary source. They have failed to authenticate Hansen. This comment is not meant to discredit Professor Hansen. It is merely indicative of the chance one takes when citing a source as quoted by some one else. It is far better scholarship to resort to the original source.

These members of the American Philosophical Society were very much concerned about developing good education in the United States. To achieve this end, they would compromise their principles to the degree of preferring a good state system to no national system of education. However, if permitted a choice they would have preferred a national system. Knox clearly indicated this in his essay. After prescribing the system he advocated for the state of Maryland, he concluded:

> Nothing, then, surely, might be supposed to have a better effect towards harmonizing the whole in these important views than a uniform system of national education.
>
> But were an approved system of national education to be established all these imperfections of its present state, would, in a great measure be remedied, and at the same time accompanied with many peculiar advantages hitherto unexperienced in the instruction and improvement of the human mind.[22]

Several problems existed in establishing a system of national education. First and foremost was the existing system of inherited colonial education. Religiously-oriented, the curriculum of colonial schools was tinged with religious philosophies and tenets. If a national system were to be established, then change would be needed in the curriculum of these schools. Knox commented:

> It is true that, agreeable to the spirit of genius of our government, every particular religious domination has a well founded right to erect such particular private seminaries as they may consider most consonant with the spirit of that particular religious system they profess. It should, however, become a free and enlightened people, as much as possible to separate the pursuits of science and literary

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[22]Samuel Knox, op. cit., pp. 70-1. For the reader's convenience the archaic "f" has been translated to the modern "s." This is the only deviation from the original manuscripts which are cited in this chapter.

> knowledge from that narrow restriction and contracted influence of peculiar religious opinions, or ecclesiastical policies, by which they have been, too long, and too generally obstructed.[23]

Immediately, Knox emphasized the important point of separation of Church and State. While not banning religious schools, he pointed out the need to separate scientific and literary knowledge from religious pursuits. Contending that this was essential, he concluded his argument by saying:

> Let it then, be an established principle in all our patriotic in promoting Academic instruction that no publically endowed seminary in the state, shall ever be characterized as the Nursling, or even distinguished by the appellation of any particular party of religious professors.[24]

Knox did envision difficulties with religious-orientated schools. Their mere existence posed an impediment to the establishment of a national education system. Parenthetically, it might be added that this problem still exists today. Does a financial grant to a religiously-orientated school by the government aid the child or the religion? Aiding the latter is prohibited by the Constitution. Viewing aid to religious schools as unjust, Knox succinctly commented:

> But under our happy Constitution the very great variety of religious denominations, which in this respect, the diversified citizens profess must render it exceedingly improper, partial and unjust.[25]

Thus, the federal government was not to aid or subsidize schools or seminaries

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[23] Ibid., p. 12.

[24] Ibid., p. 13.

[25] Ibid., p. 14.

of learning which were controlled by religious denominations. Tacitly, Knox admitted that much of the inherited colonial system of education which was controlled by religious denominations would have to be abandoned.

Providing an education for the common man was a challenging concept. Not everyone accepted this view. Knox exhorted his readers to the importance of public awareness on the question of education.

> Could the public mind be fully impressed with this truth that their interest, their character, their freedom, and their happiness depend on the state of the education of their youth, surely we should witness no patriotic exertions more zealously or generally called forth; or more munificently supported; than a well digested system of public education.[26]

Knox clearly advocated a system of education for states which now has become the general pattern of public education at the state level. Moreover, Knox's plan was concerned not only with undergraduate education, but also with secondary and primary education.[27] After bringing the question of education to the public mind, he exhorted the central government to heed the question of education.

> Perhaps in the profession and under the happy administration, even of such a government as of the United States it would be no bad criterion for trying the various senses of their civil rights and political advantages which may be manifested in different local situations of the Union, to ascertain the degree of attention paid to the interests of education.[28]

After gently reminding the government of its concern for education, Knox

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[26] Ibid., p. 26.

[27] Ibid.

[28] Ibid., p. 28.

outlined the specifics of his plan. Since this section of the essay was addressed to the state legislature, the outline is for the state. However, Knox indicated that such a general system of state education would be inferior to a national system of education. He pointed out that:

> In the first place it might be useful if the legislature would periodically, at the end of every two years, adopt some method of enquiring into the fate of such seminaries as are already instituted.[29]

> A proper investigation should also be made into the state of literary education in each district or country, in order to ascertain where it might be most proper to form some sort of institutions provided no general system could be yet adopted over all the states.[30]

Knox advocated two important principles in these passages. First, he urged a periodic evaluation of existing seminaries. Perhaps this was a forerunner to a reviewing committee or an accreditation committee. Secondly, Knox stated that if no general system of education was adopted in the United States, then some type of central institution should be established.

Knox's argument for a central institution was prophetic for the course of subsequent educational development. In the absence of a federal system of education, the states began to develop their own systems. Further, in the absence of a federal supervising agency, the states evolved their own unique supervising agencies such as state departments or state boards of education. The question of federal supervision will be considered in a later chapter when Congressional interest in the establishment of a Bureau of Education will be

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[29] Ibid., p. 32.

[30] Ibid., p. 33.

examined. Such a Bureau was to collect and co-ordinate educational information among the states. It is of historical interest to note that Knox entertained the idea for the establishment of these supervising agencies. In short, he contended that if a national system of education could not be established, then at least the state should organize and develop institutions for evaluating education.

Knox was aware of the problems of increased educational expense and federal indebtedness. However, he exhorted the state to initiate a general system of education and hoped that the federal government might adopt a general system of education.

> Legislative aid on this plan whether the county academies, or the primary schools be, first preferred, would not interfere or be inconsistent with the system of public education laid down in the subsequent essay, should it or any similar uniform national institution be, at a more favorable future period established by the United States.[31]

One might wonder why Knox spent so much time commenting upon a state system of education when he truly desired a national system of education. He eloquently answered this question.

> To you Gentlemen, and the enlightened part of the public, this might justly have been conceived as little superior to a species of insult. To have dwelt on the national advantages of national education in the present enlightened age of the world, would appear like an eulogium on the benefits of the light of the sun to the solar system. It would only be recalling to your view and memory all the most eloquent and splendid encomiums of the ablest writers, most sublime geniuses and enlightened philosophers who have diffused the rays of literary illuminations over the ancient and modern world.[32]

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[31] Ibid., p. 41.

[32] Ibid., p. 43.

Truly a practical man, Knox envisioned the difficulties of establishing a national system of education. He realized that universal education had been advocated for many centuries. He felt that a national system was as important as the sun is to the solar system. Yet from the general tone of his essay, Knox preferred that the sun shine on one planet and do it effectively than not to shine at all. Knox emphasized the importance of initiating a movement for general education. Since the federal government did not act on the question of education, then the individual states would have to act. He amplified this in that part of the essay devoted to the national system of education.

> But were an approved system of national education to be established all these imperfections of its present state, would, in a great measure be remedied, and at the same time accompanied with many peculiar advantages, hitherto unexperienced in the instruction and improvement of the human mind.
>
> . . . and it is to be hoped that the close of the Eighteenth century will be so enlightened as to see education encouraged and established as well by this as other nations in such a manner as to be considered next to the administration of just and wholesome law, the first great object of national patronage.
>
> Nothing, then, surely might be supposed to have a better effect towards harmonizing the whole in these important views than an uniform system of national education.[33]

Knox crystalized some important points. One, a national system of education would be better than a state system of education. Two, the problem of providing a common education for all men was not peculiar only in the United States but would also arise in other nations. At the close of the Eighteenth century, no national systems of education existed in other nations. For these reasons, Knox believed that the state should consider education as important as

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[33]Ibid., p. 70-1.

running the government. Moreover, he advocated that education should be an object of national patronage. Knox said that education on a national basis would harmonize the United States as a unifying link between the various sections of the country. Knox's plan of a national system of education may not be as detailed as desired so he offered an explanation to his readers.

> The principle object of which hath been not only the consideration of the publick establishment of the best means, of promoting the highest degree of literary improvement, but more especially, its establishment on a general, uniform, national foundation; leaving, in some measure, the practical part to be filled up, as the progressive improvement in the sciences, and in the means of acquiring them may be under proper patronage, encouragement and direction from time to time inculcate.[34]

Briefly, Knox's essay advocated both a general state system and a national system of education. He was more concerned with the acceptance of the idea to establish a national system of education than with the development of the administrative structure of such a system. He did, however, advocate that this national system be closely connected to a national university. His plan for a national system included a good state system, good supervision from the national government, and a national university as the apex of the system. The national university would offer graduate degrees and would provide professors for state universities. He believed that the national university was an important part in establishing a national system of education.

> To found, however a national university on any other plan than as the consummation of some such system as the preceeding would be in a great measure to circumscribe its advantages to the community.[35]

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[34] Ibid., p. 173.

[35] Ibid., p. 148.

The national university for Knox and probably for others represented an important step in the development of a national system of education.

In the previous chapter the question of the national university as it was discussed at the time of the Constitutional Convention was viewed. Through Knox's essay it is evident that the national university was an important link in a national system of education. The following chapter will examine the actions and reactions of Congress on the question of establishing a national university.

In summary, Samuel Knox's essay outlined first a general system of education for the state of Maryland and then applied those guidelines to a national system of education. Knox firmly believed that a national system of education should be established, but he also envisioned the difficulties which would arise in establishing such a system. Thus, he would settle for a good state system of education than no education at all.

The other prize-winning essay was written by Samuel Harrison Smith.[36] This essay is divided into two major sections. The first part of the essay, a discourse on wisdom and education, reflected the writings of Rousseau, Milton and Locke. Although the first section of essay was eloquently written, it contained little commentary on the establishment of a national system of education. The second portion of the essay gave a specific plan for the establishment of a national system of education. Although the Knox essay lacked administrative structure, it provided general guidelines. On the other

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[36]Samuel Smith was a member of the American Philosophical Society. He was a writer and editor. He founded The National Intelligencer in 1800, and was its editor until 1810. He died in 1845, at age 73.

hand, the Smith essay provided administrative detail, but lacked a general outline. Thus, the essays were complementary. Perhaps, this was why they shared the prize money. Both advocated a national system of education and a national school board. The Smith essay, however, clearly defined the role of the national system and the national school board. The language of the Smith essay was clear and concise. Smith proposed several principles of education.

> . . . that it is the duty of a nation to superintend and even coerce the education of children, and that high consideration of expediency not only justify, but dictate the establishment of a system which shall place under control independent of, and superior to, parental authority, the education of children. . . . the preference has been given at a certain age to public education over domestic education. . . the period of education recommended has been fixed at an age so early, as to anticipate the reign of prejudice, and to render the first impressions made on the mind subservient to virtue and truth.[37]

These principles of Smith manifested his attitude toward the development of a general system of education. In his essay he listed twenty-two recommendations based upon his principles of education. The first six principles were:

I. That the period of education be from 5 to 18.

II. That every male child, without exception, be educated.

III. That the instructor in every district attend to the faithful execution of this injunction. That it be made punishable by law in a parent to neglect offering his child to the preceptor for instruction.

IV. That every parent, who wishes to deviate in the education of his children from the established system, be made responsible for devoting to the education of his children as much time as the established system prescirbes.

V. That a fund be raised from the citizens in the ration of their property.

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[37]Samuel Smith, Remarks on Education (Philadelphia, 1797), p. 66.

VI. That the system be composed of primary schools of colleges; and of a University.[38]

Smith proposed in these first six principles a universal system of education for every male child. He did not include women. Although the education of women was an issue to be resolved, Smith excluded the education of women from his discussion in order to avoid the controversy which existed on this issue.[39] He introduced the idea of compulsory education and property tax. Although these two concepts have become accepted elements of education today their proposal in the Eighteenth Century was considered an innovation. Finally, he proposed a system of education for primary, secondary, and collegiate training.

Smith not only suggested a system of education, but he also recommended a curriculum.

VII. That the primary school be divided into two classes; the first consisting of boys from 5 to 10 years old; the second consisting of boys from 10 to 18. And that these classes be subdivided, if necessary, into smaller ones.

VIII. That the instruction given to the first class be the rudiments of the English language, Writing Arithmetic, the commission to memory and delivery of select pieces, inculcating moral duties, describing natural phenomena, or displaying correct fancy.[40]

Smith's concept of the structure of the schools and the curriculum contained in these recommendations reflected the writings of some of his contemporaries.

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[38] Ibid., pp. 67-8.

[39] Ibid., p. 35.

[40] Ibid., p. 68.

During this period several essayists commented upon the instructional content in the schools. Arguments were presented for and against such subjects as: the Classics, modern science, the practical arts. One distinguished writer, Noah Webster, devoted much time and effort in developing a typical American curriculum. Although an extensive writer on education, Webster was primarily concerned with curriculum rather than educational structure. We shall comment about this aspect later. However, it suffices at this point to know that curricular discussion did exist and this is probably why Smith gave these two recommendations on structure and organization.

Smith's ninth recommendation concerned flexible promotion and his tenth recommendation stressed the importance of seeking truth. His eleventh recommendation continued his thoughts on instruction in the schools:

> XI. That the instruction given to the second class be extended and more correct knowledge of Arithmetic; of the English language, comprising the plain rules of criticism and composition; the concise study of General History, and a more detailed acquaintance with the history of our country; of Geography; of the laws of nature, practically illustrated. That this practical illustration consist in an actual devotion of a portion of time to agriculture and mechanics, under the superintendence of the preceptor. That it be the duty of this class to commit to memory, and frequently to repeat, the constitution and the fundamental laws of the United States.[41]

Recommendations twelve, thirteen, fourteen, fifteen, and sixteen focused upon the structure of the school. Smith said that primary schools should have fifty students and that one student out of the primary second division should be sent to college. Undergraduates would be supported by public expense. The

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[41] Ibid., pp. 68-69.

undergraduate curriculum was to be an expansion of primary and secondary education. Approximately two hundred students were to be admitted into college. In addition to the regular studies, each student according to recommendation seventeen would have an opportunity "without interfering with the established studies of acquiring a knowledge of modern languages, music, drawing, dancing and fencing."[42]

Smith defined the role of the national university which he envisioned as the apex of learning and urged that students attending the national university be subsidized:

> XVIII. That a National University be established, in which the highest branches of science and literature shall be taught. That it consist of students promoted from the colleges.
>
> XIX That the student so promoted be supported at the public expense, and be lodged within the walls of the University; remaining so long as he please on a salary, in consideration of his devoting his time to the cultivation of science or literature. . . .[43]

In recommendations twenty and twenty-one Smith suggested that the professors at the national university choose the college professors. These college professors would then choose the teachers for the primary schools. The number of professors at the university and the college was not predetermined, but he proposed that they be designated by the law and that there be a professor of every branch of useful knowledge."[44]

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[42] Ibid., p. 69.

[43] Ibid., pp. 70-1.

[44] Ibid.

His last recommendation proposed that "a board of literature and science be established" to function as a national board of education.[45] Smith declared:

> It shall be the duty of this board to form a system of national education to be observed in the University, the colleges, and the primary schools; to choose the professors of the University; to fix the salaries of the several officers; and to superintend the general interests of the institution.[46]

The proposed national board of education consisted of fourteen persons representing all branches of knowledge. The Board of Education, headed by a President renowned in science, was to establish a fund to encourage research, valuable discoveries and writings to promote discussion.[47] The board was also charged "to determine what authors shall be read or studied in the several institutions and at any time to substitute one author for another."[48] Knox in his essay had also suggested that "throughout the United States some uniform system of national approved school books . . . be established."[49] Thus, both authors agreed on the establishment of a national university, a national school board and a central control over curriculum and textbooks.

Was a national board of education necessary to establish a national

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[45] Ibid., p. 71.

[46] Ibid., p. 72.

[47] Ibid., p. 72.

[48] Ibid.

[49] Knox, op. cit., p. 91.

system of education? Smith answered the point openly:

> It is not concealed, that on the establishment of this board, the utility, the energy, and the dignity of the proposed system are deemed greatly to depend.[50]

Not only was this board important, but Smith also realized that his proposal for a national board of education was truly innovating.

He wrote:

> The radical ideas we have recently established and which are in a great measure peculiar to us, claim a new and entirely different exposition from that which they have yet received.[51]

Without a doubt the proposal for a national system of education was a radical idea. These two essays demonstrated that the question of national education was being considered. Although the proposed plans were practical, the discussions in the Constitutional Convention indicated that the subject of education was not as important as establishing the new government. Even though the power to establish a national university was not incorporated into the expressed powers of Congress, the mere fact that such a proposed power was considered was significant in view of the many pressing problems which the Constitutional Convention faced.

The subject of education was discussed by many others; Smith and Knox were not alone in their views. Robert Coram, who inquired into the nature of political theory and education, generally concurred with the two essayists and their views on education.[52] Although he described schools and education in

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[50]Smith, op. cit., p. 73.

[51]Ibid., p. 76.

[52]Robert Coram was an attorney and an author of several articles. He was well versed in Italian and French writings.

great detail, his opening line best summarized his attitude. "The country schools, through most of the United States, whether we consider the buildings, the teachers, or the regulations, are in every respect completely, despicable, wretched and contemptible."[53]

Coram's essay provided many practical and specific contributions to the discussions on a national system of education. He pointed out that since the government is in the hands of people, "knowledge should be universally diffused by means of public schools."[54] "Education then ought to be secured by the government to every . . . citizen, to every child in the states."[55] He advocated that public schools should be established in "every county of the United States, at least as many as are necessary for the present population; and let those schools be supported by a general tax."[56]

Coram discussed the problem of taxation for schools indicating its necessity. He realized that some might consider such a tax as unjust since some people would be taxed who had no children to be educated. Reminding the

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[53]Robert Coram, Political Inquiries; To which is added a Plan for the general establishment of Schools throughout the United States, (Wilmington, 1791), p. 94.

[54]Ibid., p. 78.

[55]Ibid., p. 57.

[56]Ibid., p. 98.

populace that an enlightened citizenry was essential for good government, he felt that all had an obligation to contribute to the general tax since posterity could only be secured through education.[57] To emphasize his contention he indicated that a father with four children could not educate his children as well as they could be educated in public schools supported by public taxes which would not be prohibitive.[58]

Coram demonstrated the practicability of his plan:

> To demonstrate the practicability of establishing public schools, throughout the United States, let us suppose the states to be divided into districts according to population, and let every district support one school, by a tax on the acre, on all lands within the district.[59]

In great detail he discussed school architecture and the taxes needed to support the buildings. In estimating school expenses, Coram concluded that an individual would pay approximately a little more than three pounds a year if he owned a 300 acre farm. Since the exact relationship of that tax to current monetary equivalents or to the purchasing power of the time is difficult to determine, one would have to accept Coram's conclusion that the tax was not expensive. By computing the taxation figures in pounds, Coram demonstrated the fact that American currency and economic policies were still closely linked with Great Britain. He probably expressed the tax in pounds since many

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[57] Ibid., pp. 100-1.

[58] Ibid., p. 101.

[59] Ibid., p. 99.

of his readers were probably Tories at the time of the Revolution.[60] The wealth of the United States in 1791, was primarily land; the federal government's chief revenue was from land sales. Commenting upon his plan for a general system of education, Coram proclaimed:

> Such a general system of education is neither impractical nor difficult; and excepting the formation of a federal government that shall be efficient and permanent, it demands the first attention of American Patriots.[61]
>
> Let public schools, thus be established in every county of the United States, at least as many as are necessary for the present population; and let those schools be supported by a general tax.[62]
>
> In our American republic, where government is in the hands of the people, knowledge, should be universally diffused by means of public schools.[63]

Coram joined others who contended that the first national responsibility was to establish a functioning government. Then attention should be turned to education. In historical perspective, however, the new government faced difficult moments testing the strength of its ability to survive. These

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[60]Some estimates indicate that at the time of the Revolution only about one-third of the population supported the Revolution. Many colonists left the country. We traditionally term the Revolution as our war for political independence and the War of 1812, as the war of our economic independence. Specie and monetary problems were pressing in the early days of the nation. Coram might have used the British system since he probably was most familiar with it. He might also have been appealing to those who still held strong ties with Great Britain.

[61]Ibid., p. 76 quoting from Noah Webster, On Education of the Youth in America (New York, 1788), p. 26.

[62]Ibid., p. 98.

[63]Ibid., p. 71 quoting from Noah Webster, On Education of the Youth in America (New York, 1788), p. 26.

trying times consumed much of the government's energies and efforts.

James Sullivan, a leading Revolutionary figure, supported the movement to establish an educational plan for the United States.[64] He was concerned with insurrections, fiscal problems, and the "dreadful apprehension of disunion of, and controversy among the states."[65] Although Sullivan's writings lack the detail of the plans of Knox, Smith and Coram, they did reflect the proposed organizational structure of the other essays. However, Sullivan presented another aspect of the national educational system. He proposed that learned men "should be scattered through the states, whose attention should be paid to a science, which among moderns has obtained the name of political arithmetick."[66] These learned individuals would "collect the extent of settlements, numbers and strength of inhabitants, their occupations and longevity, and every other particular of calculations which can conduce to public utility."[67] This data would then be presented to the body of specialists which would head the national system of education. Sullivan's proposal was an educational survey of the people. This statistical survey, which he termed "political arithmetick," would form a basis for the improvement and

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[64]James Sullivan was a leading force in the Revolution. He was attorney general and governor of the state of Massachusetts. He was one of the founders of the American Academy of Arts and Sciences and was president of the Massachusetts Historical Society.

[65]James Sullivan, Observations upon the Government of the United States of America (Boston, 1791), p. 29.

[66]James Sullivan, Thoughts upon the Political Situation of the United States of America, (Boston, 1788), p. 154.

[67]Ibid.

development of education. He also suggested that:

> . . . another set of men might be usefully occupied at public expense, to be investigating upon the true principles of reason and common sense, the ends and purposes for which men should wish to associate with each other in society; also the limits which nature, detached from custom and preconceived opinion, has assigned them in their social intercourse.[68]

Sullivan's contributions to the writings of the Eighteenth Century on education were twofold. First he proposed a statistical analysis of the population. Second, he advocated the establishment of a body of learned men to investigate reason and common sense so that individuals could learn how to live in society.

Although the Knox and Smith essays were written after Sullivan's essay, he apparently assumed that his readers had a general notion of the existing discussion on a national system of education. His specific purpose was to emphasize the general need for a national system of education; thus, he was not too concerned with administrative details. The theme of his essays can be envisioned in this statement:

> Among other things, in republican governments, there should be a close attention to form the morals of the people to the genius of the government; and for this purpose it is necessary to pay great attention to the education of the youth: teaching them their just rights, at the same time they are taught proper foundation--for they who were never learned to obey, must govern but very badly; and early teaching them a sacred regard to truth.[69]

Sullivan advocated national education in order to insure good government. In

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[68] Ibid., p. 155.

[69] Ibid., p. 27.

short, Sullivan's contributions were unique in that they suggested an educational survey and the establishment of a body of learned men to guide society by means of education. His other comments reflected the feelings of other writers.

Another leading figure in the Revolution whose many writings and accomplishments included comments on education was Benjamin Rush. Taking an active part in the forming of the Declaration of Independence and the Constitution, he was concerned with establishing schools so as to develop national character. He wrote, "our schools of learning, by producing a general, and more uniform system of education, will render the mass of the people more homogeneous."[70] While this theme of Rush was important, it did not specifically relate to the structure of a national system of education. Rush made specific contributions to the proposal of a national system of education. Rush's essay supported the contention that Congress could aid education through land grants. Since the lands represented the government's major source of income, it can be assumed that land grants or money from land sales constituted the major source of endowing a particular project. Rush wrote:

> . . . 20,000 acres of good land in the late Indian purchase will probably afford a revenue large enough to support a college at Michigan, and another on the banks of the Ohio, in the course of twenty years.

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[70]Benjamin Rush, Thoughts upon the Mode of Education Proper in a Republic, (Philadelphia, 1786), p. 13.

> Five thousand acres of land appropriated to each county Academy will probably afford a revenue sufficient to support them in twenty years. In the meanwhile let a tax from £ 200 to £ 400 a year be laid on each county for the purpose according to the number and wealth of its inhabitants.
>
> Let fifty thousand acres of land be set apart to be divided, twenty years hence, among the free schools. In the meanwhile let a tax from £ 30 to £ 60 a year be leveled upon each district of one hundred families for the support of the schoolmaster.[71]

Clearly, Rush set forth the idea of endowing schools with land grants. He proposed that the citizens initiate schools by means of a school tax. Then, the federal government would subsidize schools by means of land grants. In this plan, Rush gave the central government time to establish itself before assuming a committment to education. However, education would not be neglected since the populace would initiate schools. The concept of allowing the government time to establish itself was in accord with the feelings of the other essayists on the topic of a national system of education.

Rush commented on female education while Knox avoided reference to this controversial issue. Rush contended that women should be educated because they "must be stewards and guardians of their husbands' property."[72] Since mothers often instructed their children, "ladies should be qualified to a certain degree by a peculiar and suitable education, to concur in instructing their sons in the principles of liberty and government."[73] For this reason

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[71] Ibid., p. 7.

[72] Benjamin Rush, Thoughts upon Female Education, Accommodated To the Present State of Society, Manners, and Government, in the United States of America (Philadelphia, 1787), p. 10.

[73] Ibid.

he stated that "the education of young ladies in this country, should be conducted upon principles very different from what it is in Great Britain, and in some respects, different from what it was when we were part of a monarchial empire.[74] Rush also wrote a plan for the schools in Pennsylvania in which he proposed one state university and several colleges, and free schools in each township. By this plan the entire state system of education would be united.[75] Such a plan could have served as a model for a national system of education. Initiation and development of state systems was a step toward the harmonizing of the entire populace in the United States. In summary, Rush's writings concurred with other writers on education. Specifically, he advocated the education of women; he suggested the taxation of wealth to establish schools followed by support from the federal government. He was concerned about preserving democracy through schools.

Two French scholars viewing the United States wrote proposals advocating national systems of education. While our relationships with France during the early years of government varied, nonetheless, these essays were available to the public. Lafitte du Courteil, a professor in the Academy of Bordentown, Pennsylvania, lamented the poor conditions of education in the United States. La Fitte was surprised that there was "no national institutions for the education of subjects."[76] He concurred with American essayists on the need to

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[74]Ibid., p. 3.

[75]Benjamin Rush, Plan for Establishing Public Schools in Pennsylvania, (Philadelphia, 1786), p. 6.

[76]Lafitte du Courteil, Proposal To Demonstrate the Necessity of a National Institution in the United States of America for the Education of Children of both Sexes, (Philadelphia, 1797), p. 6.

establish a national institution to harmonize and develop national character.[77] His plan would have placed education under Congressional control as a National Institution. Further, it provided that both sexes be educated and that careful selection should be made for instructors and directors.[78] Much of his plan was similar to Smith's plan. To support such a system, he proposed that a tax should be levied. He even suggested the establishment of lotteries to support education.[79] In brief, his comments, with the exception of the proposed lottery, reflected those of Samuel Harrison Smith.

Perhaps, the best known work on American education written by a foreigner was Du Pont de Nemour's book, Sur l'education nationalale dans les Etatus Unis d'Amerique. This work, undertaken by Du Pont at the suggestion of the then President-elect, Thomas Jefferson, covered many aspects of American education. Two of Du Pont's contributions were important in the consideration of a plan for a national system of education. First, he defined the term "university" to embrace all branches of public education. The concept would apply to a general system which would affect all grades including the primary schools. This university would be federally controlled and supported, and would provide free education to citizens from primary schools through university education.[80]

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[77]Ibid., p. 10.

[78]Ibid., pp. 37-40.

[79]Ibid., pp. 55-56.

[80]Piere Samuel Du Pont De Nemours, National Education in the United States of America, tr. by Bessie Gardner Du Pont, (Newark, Delaware: 1923), pp. 94-95.

Du Pont's second contribution urged the establishment of a Council on Education. In many ways he reflected the thoughts of Smith on the establishment of a national board of education.

> In each State the Committee of Education appointed by the Legislature should supervise all the national instruction; appoint the Principals of colleges; give its approval to professors and assistant professors; dismiss them, as well as the Principals themselves; keep informed of all that is being accomplished, preside; by one of its members or by an authorized Commissioner with the municipality and local public officers, at the distribution of prizes; present to the Legislature every year an account of the work of colleges and schools; publish the names of pupils to whom prizes are awarded; suggest, in the form of a petition, such laws or appropriations as may be necessary for education. The Committee should also inspect the free schools, which may not open without its consent, after submitting their plans, their books and papers; and it may close them if their principles become dangerous or their methods improper. Finally, the Committee should select one member to join in forming the General Council of Education of the United States; he may be a member of the Committee or not; may even be a member of Congress or not.[81]

Although Du Pont described his plan in great detail, he really differed little from the general structure of a national system of education which was prescribed by others.

In this study of the Eighteenth Century commentators on schools and school systems one American writer remains to be viewed. He is transitional and spans both the Eighteenth and the Nineteenth Century views. Noah Webster's writings and commentaries are so voluminous that only a separate study could do him justice. In extracting a few pertinent passages on the subject of national education, this writer does not intend to slight his other valuable contributions to American education. The general theme of

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[81] Ibid., pp. 151-52.

Webster's attitude toward a national system of education can be envisioned in these brief passages. Coram had read Webster and had commented that Webster had published the same ideas that Coram had held. Needless to say this did not please Coram.[82] Webster's book, On Education of the Youth in America, reflected his ideas on the national motif in education; perhaps this is why Coram quoted it. Webster believed that education was essential to the continuance of a republican government.

> Two regulations are essential to the continuance of republican governments: 1. Such a distribution of lands and such principles of descent and alienation, as shall give every citizen a power of acquiring what his industry merits. 2. Such a system of education as gives every citizen an opportunity of acquiring knowledge and fitting himself for places of trust. These are fundamental articles; the sine qua non of the existence of the American republics.[83]

Webster repeated the same theme that the nation's first priority was establishment of a good working government and that its second was educational. Webster observed the importance of land distribution. On the subject of establishing schools and developing education, Webster contended that legislatures cannot "be justified in neglecting proper establishments for this purpose."[84] He gave a rough sketch of his educational plan:

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[82]Coram, op. cit., p. 78. Coram wrote: "Mr. Noah Webster is the only American author, indeed the only author of any nation, if we except perhaps Montesquieu, who has taken up the subject of education, upon that liberal and equitable scale which it justly deserves. I had the present work in idea, sometime before Mr. Webster's essays made their appearance and was not a little pleased to think that he had anticipated my idea.

[83]Noah Webster, On Education of the Youth in America, (New York, 1788), p. 24.

[84]Ibid., p. 25.

> Every small district should be furnished with a school, at least four months in a year; when boys are not otherwise employed. The school should be kept by the most reputable and well informed man in the district.[85]

Webster pointed out that such a system was "neither impracticable nor difficult."[86] "Until such a system shall be adopted and pursued. . . mankind cannot know to what a degree of perfection society and government may be carried."[87]

Webster contended that "in a system of education, that should embrace every part of the community, the female sex claims no inconsiderable share of our attention."[88] Webster elaborated on the importance of educating women in a manner similar to Rush. In regard to foreign education, Webster strongly favored educating American youth in the United States and for developing an American system of education which would develop a national character.

> In the first place, our honor as an independent nation is concerned in the establishment of literary institutions, adequate to all our own purposes; without sending our youth abroad, or depending on other nations for books and instructors. It is very little to the reputation of America to have it said abroad, that after the heroic achievements of the late war, these independent people are obliged to send to Europe for men and books to teach their children A. B. C.[89]

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[85] Ibid.

[86] Ibid., p. 26.

[87] Ibid.

[88] Ibid., p. 27.

[89] Ibid., p. 31.

Webster's final statement on the education of Americans aptly summarized the foreseeable difficulties.

> To effect these great objects, it is necessary to frame a liberal plan of policy, and build it on a broad system of education. Before this system of education can be formed and embraced, the Americans must believe, and act from the belief, that it is dishonorable to waste life in mimicking the follies of other nations and balking in the sunshine of foreign glory.90

The problem which lay before America was to see the importance of education. The struggle of the Nineteenth Century was to try and establish the heavenly schools developed by the Eighteenth Century philosophers. But the establishment of the body politic shaved away the edges of their dream and slowly cut into the core of their proposal. The Nineteenth Century witnessed the rise of a responsible government, but could only glimpse the beginnings of education. No national system would arise.

From the many commentators on a national system of education, one can discern that they held similar views. Each made a new contribution or amplified another aspect of the plan. From these writings one can construct a general pattern of the plan which they advocated. They all realized that before a national system of education could be developed a responsible government had to be established. A national system of education was second only to establishing an operating system of government. The plan for a national system of education envisioned a National University which would touch upon all other aspects of education by providing teachers, developing curriculum and unifying the national character. A national board of education was

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90 Ibid., p. 36.

proposed whose function was to supervise learning in the schools, prepare approved book lists and inspect the schools. School surveys and the pooling of resources were recommended. To support such a school system taxes were proposed and methods were outlined on how to levy such a tax. Schools would be established in every county or district.

Women were to be educated under the national system of education. Plans were given for establishing good state systems of education, for it was felt that while the federal government was deliberating the matter, the states could take the initial step and be prepared when education would come under federal control.

In spite of their dreams, these men were practical, they envisioned the difficulties which faced them. No national system of education had been established in any other nation. The government had pressing matters both foreign and domestic. They would compromise by developing good state systems until such time as the federal government could establish a national system of education.

CHAPTER FOUR

THE FORMATIVE YEARS -- 1800 TO 1840

By mid-Nineteenth Century Americans had witnessed the growth of a new nation. The country expanded its western border from the Mississippi to the Pacific Ocean. The southern boundary included Florida and Texas. The largest land acquisition was the Louisiana Purchase. Expansion and progress joined hands as road, canals, and railroads were built. War clouds gathered; time, money, men and efforts were spent in the foreign entanglements of 1812, and 1845. Domestic strife was imminent. Pioneers moving westward clashed with Indians. Industries began to rise; the tariff question became evident. Sectionalism united some and alienated others. The inevitable came as state fought state; brother fought brother in the Civil War. In spite of these difficult situations the government managed to establish itself and to develop the nation. In spite of the great expenditure of money and energy on foreign and domestic problems, the government did spend time and money on education. Although a national system of education was not established, the problems of education were brought to the attention of Congress.

The national university was a key point in the establishment of a national system of education. A favorite idea of President Washington, establishment of a national university, has been revived in various guises at subsequent periods of our legislative history. Until 1825, this question was usually a source of complimentary legislation in deference to suggestions

occurring in Presidential messages. Washington commented on education in his first address on January 8, 1790:

> . . . Whether this desirable object will be best promoted by affording aides to seminaries of learning already established, by the institutions of a national university, or by any other expedient, will be worthy of a place in the deliberations of the Legislatures.[91]

Congressional reaction to his statement is recorded on May 3, 1790:[92]

> On the motion of Mr. Smith of South Carolina that part of the President's speech which respects the encouragement of science and literature was read. He then moved that it should be referred to a select committee.
>
> Mr. Stone inquired what part of the Constitution authorized Congress to take any steps in a business of this kind? For his part, he knew of none. We have already done as much as we can with propriety; we have encouraged learning, by giving to authors an exclusive privilege of vending their works; this is going as far as we have the power to go by the Constitution.
>
> Mr. Page observed that he was in favor of the motion. He wished to have the matter determined whether Congress has, or has not a right to do anything for the promotion of science and literature. He rather supposed that they had such a right; but if, on the investigation of the subject, it shall appear they have not, he should consider the circumstances as a very essential defect in the Constitution, and should be for proposing an amendment; for, on

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[91] Joseph D. Richardson, Messages of the Presidents, (Washington, 1789-1897), I, 66.

[92] U. S. States Congress, Debates and Proceedings in the Congress of the United States, 1st Cong. 2nd Sess., Monday, May 3, 1790, Vol. 2, (Washington, 1834-56), p. 1550. Future citations of the official records of Congress will be abbreviated for clarity's sake. The records of Congress from 1789-1860, were printed by private publishing houses. No systematic contemporaneous reporting of the debates exists until the second session of the Eighteenth Congress. The period from 1789 to 1824 was published as the Debates and Proceedings of Congress of the United States. It is more popularly known as the Annals of Congress. One can locate materials by citing the volume number or by citing the Congress. The most useful way to specifically locate material is to cite the exact date. Thus, volume number and page number quickly locates materials. Future citations in this paper will follow this form. Newberry Library is the only local library which contains all congressional records and volume number rather than congressional session is needed to locate materials.

> the diffusion of knowledge and literature, depend the liberties of this country and the preservation of the Constitution.
>
> The House adjourned without a decision on this motion.[93]

This passage, indicative of many to follow concerning the role of Congress on the topic of education, portrays a rather simple procedure. Someone introduce a motion. Someone objects to the motion on the grounds of constitutionality or equality of land grant distribution. Occasionally, a legislator will suggest as Mr. Page does in this passage that an amendment be adopted if this is not a just amplification of existing power by employing the elastic clause. Ironically, Congress will either adjourn or lay the motion on the table. The universality of this pattern as envisioned in a review of the legislative action on the topic of education is frightening.

By granting lands for education under the Ordinances of 1785, and 1787, Congress aided education. Since land constituted the wealth of the United States, Congress endowed education with its only true source of wealth. During this early period Congress realized that it had to sell land to pay its debts. One-third of the public debt was alleviated through the sale of public lands.[94] Since land constituted the wealth of the government, land grants to education were significant endowments, for Congress in these grants

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[93] Ibid., p. 1551.

[94] American State Papers: Legislative and Executive (Washington, 1834-61) I, 20. This is the official compilation of government documents. For clarity in future references, it will be cited merely as American State Papers. This 34 volume work is divided into many areas among which are finance, public lands and military affairs.

imparted part of its wealth to education.

Washington's last message to Congress included a statement on the National University, which was envisioned as the apex of a national system of education.

> I have heretofore proposed to the consideration of Congress the expedience of establishing a national university and also a military academy. The desirableness of both these institutions has so constantly increased with every new view I have taken of the subject that I cannot omit the opportunity of once for all recalling your attention to them.
>
> The assembly to which I address myself is too enlightened not to be fully sensible how much a flourishing state of the arts and science contributed to national prosperity and reputation.
>
> True it is that our country might to its honors, contains many seminaries of learning highly respectable and useful; but the funds upon which they rest are too narrow to command the ablest professors in the different departments of liberal knowledge for the institution contemplated, though they would be excellent auxiliaries.
>
> Amongst the motives to such an institution, the assimilation of the principles, opinions, and manners of our countrymen by the common education of a portion of our youth from every quarter well deserves attention. The more homogeneous our citizens can be made in these particulars the greater will be our prospect of permanent union; and a primary object of such a national institution should be the education of our youth in the science of government. In a republic what species of knowledge can be equally important and what duty more pressing on its legislature than to patronise a plan for communicating it to those who are to be the future guardians of the liberties of the country.[95]

Several important aspects must be amplified. First, it was significant that the subject was mentioned again in view of Congressional reaction to the previous suggestions of establishing a national university. Second,

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[95]Richardson, I, op. cit., p. 202.

Washington emphasized the relationship of this University to other Universities. He indicated that while they are respected and useful, their funds were too limited. This point will be mentioned in future deliberations of Congress. Representatives will vote against the proposal for they were fearful of the encroachments that the national university would make on other universities. Third, Washington emphasized the need for establishing a national character. This idea reflected the writings of the Eighteenth Century essayists on education. Fearing the consequences of growing sectionalism Washington envisioned education as a means to eliminate sectionalism. Washington had spoken; now it remained for Congress to act on his suggestion.

President Washington donated land for the establishment of a national university. The Commissioners of the Federal City presented a memorial to Congress on the subject of a national university. "They pray that Congress would take such measures as that they may be able to receive any donations which may be made to the institution."[96] The memorial was presented by Mr. James Madison. Madison moved that the memorial be referred to committee along with the remarks from the President's speech relating to that subject.[97]

On December 17, 1796, Madison proposed to the House that it consider the

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[96] Debates and Proceedings in the Congress of the United States, VI, (December 12, 1796), p. 1600.

[97] Ibid., p. 1601.

topic as a committee of the whole. His resolution read:

> Resolved, that it is at present expedient that authority should be given to enroll proper persons to receive in trust, pecuniary donations, in aid of the donations already given towards the establishment of a University within the District of Columbia.[98]

One slight change had been introduced. The university was not referred to as a national university, but as an university residing in the District of Columbia. Such a simple word "change" did not escape the eyes of the apt legal practioneers in the House.

On Monday, December 22, 1796, Congress resolved itself into a committee of the whole to discuss Madison's resolution. Quickly the barge of objections to the proposal began. The first objection was that money granted to a national university "would be taking money from those districts or county which can do for themselves, and would receive no benefit from this institution."[99] Mr. Nicholas questioned whether parents would send their children such a far distance. He contended that the morals of the students might be injured. Finally, he pointed out that: "If it be a National University, it must be for the use of the nation. It will then be necessary to open funds for the purpose of support."[100] Although the proposal did not mention support, Congress contended that such approval would necessitate financial support. Although recommended in Washington's last address to Congress, that fact alone was insufficient to secure passage.

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[98] Ibid., (December 17, 1796), p. 1695.

[99] Ibid., (December 26, 1796), p. 1697.

[100] Ibid.

Mr. Nicholas stated: "We are not now in a situation to forward its establishment. It may be done at some time but. . . it would be many years first."[101] Thus, Mr. Nicholas represented the view that such a concept was a good idea, but not at this time.

Mr. Harper followed Mr. Nicholas in addressing the House. He agreed with Nicholas that the time was inappropriate. However, he wished to note two important distinctions. "There was nothing in it that contemplated pledging the United States to find funds for its support; nor was it the object of the report to establish a National University."[102] He proclaimed that as long as no university was near the proposed university, he could see no infringement on other seminaries of learning. Representing a second view of the proposal, Harper saw the resolution as proposing not a national university, but merely an university in the District of Columbia. He did not foresee the necessity of Congressional support.

Mr. Craik arose and commented that the question before the House was not whether or not the United States had a duty to establish a national university, rather it was whether or not they wished to encourage such an idea by permitting the benefactors to receive gifts in its behalf.[103]

The fourth speaker on this proposal was Mr. Lyman. His remarks

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[101] Ibid.

[102] Ibid., p. 1698.

[103] Ibid., pp. 1698-9.

crystallised much of the sentiment of speakers to follow him:

> . . . Does not this look as though the United States are to patronise and support the establishment? If we take this step, I shall very much wonder if our next is not to be called upon to produce money. . . . We are going quite too fast in this business, without attending to probable consequence.
>
> . . .
>
> I flatter myself to have liberal sentiments on such institutions as other gentlemen, but I do sincerely think small Academies are as useful as this institution for an University. . . . if it should be necessary at any time to form a Seminary for the use of that District, Congress would not refuse its encouragement; but to draw money for a National University I hope they never will agree. But gentlemen say this is not asked; true it is not at this time, but there is that in the principle that will most certainly lead to it.[10h]

Lyman's comments indicated that the resolution concealed some aspects which demanded further considerations. Although claiming to be a liberal, he still protected the Academies. Although giving no insight into his reasons for objecting to the proposal, he probably was a "liberal" on other topics, but he was a conservative on the topic of education. Lyman did not object to this proposal as exclusively interpreted for an university in the District of Columbia, but if this proposal envisioned a national university; then he objected.

Obtaining the floor, Mr. Nicholas amplified Lyman's remarks by indicating that a national university could not establish uniform principles and manners. He concluded:

[10h] Ibid., pp. 1699-1700.

> . . . there was no Federal quality in knowledge, and no Federal aid was necessary to the spreading of it. Every district or county was competent to provide for the education of its own citizens, and he should not give his countenance to the national plan proposed here because the expense would be enormous, and because he did not think it would be attended with any good effect, but with much evil.[105]

So now for the first time, a national plan of education had been connected to the national university. The resolution did not state this, but the opposition inferred this. Perhaps, they assumed this from the writings which were discussed in chapter three.

After all the comments from the opposition, Mr. Madison spoke briefly.

> . . . It is not whether Congress ought to interpose in behalf of this institution or not; it is whether Congress will encourage an establishment which is to be supported entirely of them. He did not consider it would ask a single farthing from us, nor that it would pledge Congress to endow the establishment with support.[106]

The absence of specific rebuttal to the questions raised should be noted. All that Madison did was to restate the resolution. Why did such an able attorney not refute these objections? This has remained a mystery. He concluded his remarks:

> . . . The report does not call it so; it calls it "An University in the District of Columbia" which, he thought, was materially different. Congress may form regulations for institutions which may be very good, and yet, not be viewed as national institutions.[107]

Madison's last statement might be a clue to the entire question. This proposal would give Congress the power to regulate institutions without

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[105] Ibid., p. 1700.

[106] Ibid., p. 1702.

[107] Ibid.

calling them national. Madison could have the precedent established for controlling education within one institution. Perhaps, he hoped to establish the precedent without tackling the issue of Congress's power to establish a national university. The term, "national university," had become so anathema to Congress. By establishing regulations for an institution in Washington D.C., Congress could expand its powers. Madison's words reflected the general problem that affected all legislation, namely: the problem of the "strict" v. the "loose" constructionists.[108] Perhaps, he felt that if he could not come through the front door he would try entering through a side door. He would attempt in some way to initiate action on the establishment of Congressional control or at least involvement in education.

Some argued that if this were an university for only the District of Columbia, then the question should be referred to the States who ceeded the land for the formation of the District of Columbia.[109] The House adjourned and the debate continued the following day.

When debate began on December 27, 1796, the general attitude of the representatives was that the entire matter was being hastily reviewed. The general feeling was to postpone the measure for additional consideration. Others felt, however, that the issue should be discussed now and negated. Mr. Madison, the proponent of the measures, rose to speak and was informed

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[108]This aspect of the problem was introduced in chapter two of this paper.

[109]Debates and Proceedings in the Congress of the United States, VI, (December 22, 1796), p. 1702.

that he was not in order.[110]

Mr. Craik reaffirmed the point that if this proposal were not connected with the President's proposal for a National University then Congress should act. He commented upon the opposition of Mr. Nicholas:

> I must confess I feel as much surprised as my colleagues. . . . Some gentlemen who opposed the report yesterday conceived there was some secret poision lurking within it--some dangerous principle not to be discovered on its face, which would some time produce baneful influences.[111]

Mr. Craik was the only person who aptly summarized what the others feared and what Madison failed to comment upon. No one wished to refute the opposition, to guarantee them that their fears were unwarranted and to put their unrest at ease. In a prophetic tone, he described the future of the national university movement, "Few objections have any validity now, that will not remain in force when the General Government removes there."[112] He continued, "If there are objections of force in one instance, they will apply to the other."[113]

For all practical purposes, the troops had drawn into battle lines. From this time on, the opponents to a national university evoked the same arguments. They contended that such an institution would lead to a national system of education and eventuate in unconstitutional congressional control of education. Whenever resolutions were introduced proposing a seminary of

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[110] Ibid., (December 27, 1796), pp. 1704-6.

[111] Ibid., p. 1706.

[112] Ibid., p. 1707. The word, "there" appears to be a misprint. The line probably is better understood by substituting the word, "them" for "there." This would be correct in view of the context.

[113] Ibid.

learning for Washington, D. C., fears arouse that hidden ramifications might lead to a national system. Although objecting to proposals for a national university, they continued to sustain and enlarge grants under the precedents established by the Northwest Ordinances.

When the question for postponement was placed before the House, the same arguments with one exception were presented. Mr. Brent, before the Speaker admonished him for speaking off the question of postponement, objected to the proposal on "Constitutional principles; because whatever had been the practice of that House, he was of the opinion that imposing a revenue for such a purpose would be unconstitutional, and arrogating a right which they did not possess."[114] When the vote was finally taken, the House postponed the question of an university for Washington, D. C. by a vote of 37 to 36.[115] Congress's reaction to the question of a national university was the same as before. By postponing the question, Congress had defeated the issue for all practical purposes. Again, the margin was a narrow one which was indicative of the strong support which the measure had received.

President John Adams made no mention of this issue in his communications to Congress. Although he was a strong advocate of education in his own state of Massachusetts, his lack of comment on the subject of education while president is noteworthy. He had to concern himself with the executive responsibilities of government. His administration faced many problems; the

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[114] Ibid., p. 1710.

[115] Ibid., p. 1711.

problem of education would probably have only added to that burden. Consequently, Congress did not raise this issue again until Jefferson's administration.

Jefferson, like Noah Webster, was a prolific writer and could be the subject of a single study.[116] Before considering the actions of Congress on the subject of education, it should be noted that Jefferson was interested in aiding education. During his administration, Jefferson signed into law many bills aiding the cause of public education. On March 3, 1803, he signed a bill which set aside public land to establish a university in Ohio. Congress appropriated land for Jefferson College which was named after the President because of his interest in education. On March 26, 1804, Jefferson signed a bill granting lands for common schools and a seminary of learning in the Indiana Territory. During Jefferson's administration, Congress finally established the military academy at West Point. On April 16, 1804, Jefferson signed a bill granting 100,000 acres of land for two colleges in Tennessee. Not only did Jefferson purchase the Louisiana Territory, but on April 21, 1806, he enacted a law which reserved the sixteenth section of each township for the support of common schools and one entire township for the establishment of a seminary of learning. This action was based upon the precedent

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[116]Thomas Jefferson, a prolific writer, had much to say on education. Jefferson's proposal to the Virginia legislature for a general discussion of knowledge is similar to Du Pont's proposal. This is understandable because both men were friends. Jefferson, contrary to general interpretations, advocated a central system of education. A good source of Jefferson's ideas his book, Notes on the State of Virginia, edited by William Pedin, (Chappel Hill, 1955). Original editions can be found in the Ayers collection at Newberry Library.

established in previous land grants. After the postponement of Madison's resolution in 1796, Congress did not discuss the subject of education again until 1803. The Adams administration, as previously noted, was concerned with many other trying issues. On January 10, 1803, Representative Van Ness presented a memorial on the subject of a national university from Mr. Samuel Blodget a former supervisor of Washington, D. C. The memorial included a request for an equestrian statue of Washington, a land appropriation, the possibility of Congressional direction, and a plan "for a free College, adopting and combining these with the interest of the existing seminaries throughout the Union."[117] The memorial was referred to committee and no subsequent action was recorded.

A similar memorial was presented to Congress on December 23, 1805. The memorial indicated that "subscriptions for a University in Washington have already been made to the number of 18,000 and a sum received amounting to $30,000 and requesting Congress to designate the site with the lots or lands that be intended therefore, and to grant such other patronage as they may think proper."[118]

Although interested in education, President Jefferson made no mention of the subject until his sixth annual message to Congress on December 2, 1806.

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[117] Debates and Proceedings in the Congress of the United States, XII (January 10, 1802), pp. 345-6.

[118] Debates and Proceedings in the Congress of the United States, XV (December 23, 1805), p. 301.

> . . . The present consideration of a national establishment for education particularly is rendered proper by this circumstance also, that if Congress, approving the proposition, shall yet think it more eligible to found it on a donation of lands, they have it now in their power to endow it with those which will be among the earliest to produce the necessary income.[119]

To some, it appeared strange that the great proponent of the concept of "strict interpretation" of constitutional powers stretched his belief to purchase the Louisiana territory. In this statement, he advocated that Congress promote a national establishment of education and endow it through land donations; the proceeds of which would serve as an income. Jefferson was on the committee that drafted the Northwest Ordinance. Perhaps he was contending the Congress had the power to provide such an establishment and its source of revenue from its authority over lands and land sales which is an explicit Congressional function. However, one can only conjecture on this point. This proposal which invoked Congressional power from land sales was a new approach to the question of establishing a national university. Since previous memorial included a plan for uniting the other seminaries of learning and since Du Pont's book by this time had been circulated, it can be conjectured that there is a tacit assumption on the part of some that this university would serve as an apex to a national system of education. Although Jefferson's proposal did not include a specific plan for national education, the legislators, knowing the liberal ideas of Jefferson on education, suspected that this proposal might be related to a system of national education.

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[119]Richardson, I, op. cit., p. 410.

Congress's reaction to President's Jefferson's message left much to be desired by the advocates of national participation in education. On February 2, 1807, Mr. Worthington submitted a resolution directing the Secretary of Treasury to prepare and report a plan for the application of such means as are withing the power of Congress.[120] This resolution restated the two old objections to the proposal. First, does Congress have the power to initiate such legislation? Second, how much money is available? The resolution went to committee and was never reported.

In his annual Congressional message on November 8, 1808, Jefferson spoke about the public debt. Soon the public debt would be retired. The problem then facing Congress would be: what to do with the revenue. Jefferson felt that Congress should give consideration to this problem. Even now revenue existed which could not be applied to retiring the public debt. Jefferson discussed the revenue problem thusly:

> . . . Shall it lie unproductive in the public vaults? Shall the revenue be reduced? Or shall it not rather be appropriated to the improvement of roads, canals, rivers and education, and other great foundations of prosperity and union under the powers which Congress may already possess, or such amendment of the Constitution as may be approved by the States.121

Jefferson introduced a new issue which would be fought in the halls of Congress for many years. Relating education to internal improvements, he

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[120] Debates and Proceedings in the Congress of the United States, XVI, p. 95.

[121] Richardson, I, op. cit., p. 456.

stated that Congress probably possessed the power of internal improvements. Yet, perhaps, fearful of Congressional objections, he indicated the possibility of amending the Constitution. The message to Congress clearly indicated Jefferson's liberal view toward education and his more conservative view on constitutional questions.

In these few short years from the Washington administration to the Jefferson administration, the question of education had been tied to many issues by the proponents of national education. It had been linked to the land question and to the duty of Congress to promote learning. Why was this so? One explanation is that so many pressing matters faced Congress that at best education could be granted only secondary consideration. Congress approved educational aid through land grants during the Jeffersonian years as has been previously indicated.

Jefferson had hinted about the topic of internal improvements in his 1806, address when he advocated opening new channels of communication between the states so that the unions could be "cemented by new and indissoluble ties."[122]

> Education is here placed among the articles of public care, not that it would be proposed to take its ordinary branches out of the hands of private enterprise, which manage so much better all the concerns to which it is equal, but a public institution can alone supply those sciences which though many calls for are not yet necessary to complete the circle, all the parts of which contribute to the improvement of the country and some of them to its preservation.

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[122] Ibid., p. 409.

> I suppose an amendment to the Constitution by consent of the states, necessary because the objects now recommended are not among those enumerated in the Constitution and to which it permits the public monies to be applied.123

From 1806, to 1808 Jefferson went from a suggestion to a full recommendation of a constitutional amendment on the question of aiding education. Congress did not heed Jefferson's exhortations. On December 13, 1809, Mr. Love presented a memorial to institute a college in Washington.[124] Nothing came of his request. In January, 1810, a bill was introduced to improve roads and canals in the United States; no mention of education was included.[125]

Jefferson realized that the national wealth lay in land. Perhaps, this is why he suggested that Congress use lands to endow the national university. The fact that the wealth of the United States resided in lands was confirmed by Albert Gallatin. In his annual treasury report he stated that lands "constitute the only great national resource exclusive of lands and taxes."[126]

In short, although the Jefferson administration continued to aid education through the extension of the principle established under the Northwest Ordinances, Congress rejected all executive proposals for seeking new ways to aid education including the issue of aiding education through internal improvements.

Espousing the cause of education in his second annual message to Congress

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123 Ibid.

124 Debates and Proceedings in the Congress of the United States, XX, (December 13, 1809), p. 717.

125 Ibid., (January 5, 1810), p. 522.

126 American State Papers, II, op. cit., p. 413.

on December 5, 1810, President Madison, Jefferson's successor, endeavored to accomplish as Chief Executive what he had failed to do as a representative. Although lengthy, his statement depicted the relationship of the university to education. Madison, as a Congressman, had proposed the establishment of a university in Washington, D. C. His opponents accused him of trying to establish a national university and a national system of education. He chose not to refute his critics. What he did not say in those debates of 1796, he now stated as Chief Executive. What the opposition had suspected in 1796 is partially confirmed.

> Whilst it is universally admitted that a well instructed people alone can be permanently a free people, and whilst it is evident that the means of diffusion and improving useful knowledge form so small a proportion of the expenditures for national purposes, I cannot presume it to be unreasonable to invite your attention to the advantages of super-adding to the means of education provided by the several States, a seminar of learning instituted by the national legislature within the limits of their exclusive jurisdiction, the expense of which might be defrayed or re-imbursed out of vacant grounds which have accrued to the nation within those limits.127

Madison assumed the endowment of education to be a small expenditure; but his opponents in 1796, presupposed the endowment to be a large expenditure. This time Madison softened the blow by not criticising the existing seminaries of learning. Following established precedents, Madison, like Jefferson, advocated the use of lands for the support of schools. He continued:

> Such an institution though local in its character, would be universal in its beneficial effects. By enlightening the opinions, by expanding the patriotism and by assimilating the principles, and the

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127Richardson, I, op. cit., p. 485.

> sentiments and the manners of those who might resort to this temple of science to be redistributed in due time through every part of the community, sources of jealousy and prejudice would be diminished, the feature of the national character would be multiplied and greater extent given to social harmony. But, above all, a well constituted seminary in the center of the nation is recommended by the consideration to the additional instruction emanating from it, would contribute not less to strengthen the foundations than to adorn the structure of our free and happy system of government.128

Without a doubt Madison realized this university as a center of learning influencing national character. He now answered his opponents such as Mr. Nicholas who contended that federal character not only cannot be sustained by schools but it also really did not exist. Ironically, Washington, Jefferson and Madison all expressed their concern over national disunity. What will be termed by historians as "sectionalism" was sensed by these early Chief Executives. The War of 1812, the election of 1820, and the slavery question envisioned a quick formation of sectionalism which entered into every important question.

Congress acted quickly on President's Madison's suggestion. The House passed a resolution "that so much as related to the institution of a National University be referred to a select committee."[129] The resolution never came out of committee. Thus, Madison had more success as a representative than he did as President. Congress should have had a rubber stamp made entitled "refer to committee" for the topic of national education, except rubber had not yet been invented.

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[128] Ibid.

[129] Debates and Proceedings in the Congress of the United States, XXIII (February 18, 1810), pp. 976-77.

The Committee did issue a report on Monday, February 19, 1810.

> Authorities so respectable in favor of a project so desirable, carry with them great weight. A central school at the seat of the General Government, darting the rays of intellectual light or rolling the flood of useful information throughout the land, could not fail to make an impression. A noble and enlarged institution may be conceived to impart to its pupils the most excellent instruction, and by properly qualifying persons to be teachers and professors, to introduce a uniform system of education among the citizens.129

These interesting words, especially the reference to the rays of the sun, echo the words of Knox and his plan of education. The concept of providing teachers and unifying the system of education in the United States reflected both Knox and Smith's plans for a national system of education. Although Madison did not state these objectives in his message to Congress, these politicians were cognisant of existing publications and trends. Suspecting the possibilities which would eminate from such a plan, the legislators rejected it for the same reasons they rejected it in the past. The prophetic statement of Representative Layman resounded; valid objections would always exist. Although Congress had the power to legislate the affairs of the District of Columbia, the Committee indicated that the Constitution did not empower Congressional establishment of an institution having national overtones. The Committee contended that serious doubts existed as to the right to appropriate public property for the support of such an institution. The committee did not find itself authorized to recommend the adoption of the measure.

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130 Debates and Proceedings in the Congress of the United States, XXIII (February 18, 1810), pp. 976-77.

Following precedents established under the Northwest Ordinance Congress began to investigate the area of internal improvements. Mr. Webster of Pennsylvania proposed on April 2, 1814:

> That a select committee be appointed to inquire into the expediance of a provision by law for the progressive improvement of the routes of communication by land and in land navigation throughout the United States and the Territories thereof, upon the principles and general plan contained in a report by Albert Gallatin, late Secretary of the Treasury, made in the year 1808, in pursuance of a resolution. . . passed in 1807 to be carried into effect as soon as may be practical and expedient after the termination of the war in which the United States is now engaged.131

This somewhat innocuous statement indicated that Congress attempted a follow-up of a forgotten resolution inquiring into the province of internal improvements. Education was deleted from this inquiry. Moreover, the entire issue was subject to the war issue reaffirming the concept that the first principle of government was to establish itself. The entire issue was then placed aside and forgotten.

On December 3, 1815, Congress passed a bill enabling the Mississippi Territory to lease lands reserved for schools provided the income be applied to educational purposes.[132] Perhaps Madison hoped that Congress would continue its beneficial attitude toward education when one year later Madison delivered his annual message to Congress advocating the national university. With renewed vigor he proposed that:

> . . . Such an institution claims the patronage of Congress as a monument of their solicitude for the advancement of knowledge,

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131 Debates and Proceedings in the Congress of the United States, XXVII (April 2, 1814), p. 1935.

132 Debates and Proceedings in the Congress of the United States, XXIX, Appendix p. 1858.

> without which the blessings of liberty can not be fully enjoyed or long preserved as a model instructive in the formation of other seminaries; as a nursery of enlightened preceptors, and as a central resort of youth and genius from every part of their country, diffusing on their return examples of those national feelings, those liberal sentiments and those congenial manners which contribute cement to our Union and strength to the great political fabric of which that is the foundation.[133]

Again with speed, the House adopted a resolution to refer the topic of a national university to committee.[134] On February 20, 1816, Mr. Wilde reported on a bill for the establishment of a national university.[135] The bill was never even ordered to a second reading; it died on the House floor. On April 12, 1816, the House refused to consider the measure by a large majority.[136] On April 27, 1816, the committee to establish a national university was discharged and the bill postponed indefinitely.[137]

President Madison succinctly reiterated his position on the subject of the national university in his annual address to Congress on December 3, 1816. "The importance which I have attached to the establishment of a University within this District, on a scale, and for objects worthy of the American nation, induces me to renew my recommendation of it to the favorable consideration of Congress."[138] Following the typical pattern, Congress referred

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[133]Richardson, I, op. cit., p. 568.

[134]Debates and Proceedings in the Congress of the United States, XXIX (December 4, 1816), p. 234.

[135]Ibid., (February 20, 1816), pp. 1031-2.

[136]Ibid., (April 12, 1816), p. 1364.

[137]Ibid., (April 27, 1816), p. 1454.

[138]Richardson, I, op. cit., p. 568.

the subject to committee on the following day.[139]

A week later Mr. Wilde from the committee reported to the Fourteenth Congress that "under a conviction, therefore, that the means are ample, the and desirable, the object fairly within the legislative powers of Congress, and the time a favorable one, your committee recommend the establishment of a national university." A bill to this effect was submitted by Mr. Wilde. Apparently the attitude of Congress had changed. For the first time since 1796, a bill was read and placed on the calendar. However, on the following day, Mr. Atherton of New Hampshire proposed a resolution for an amendment to the Constitution "That Congress shall have the power to establish a national university."[140] Since the move had not been anticipated, the House quickly reached and by a vote of 54 to 86 refused to consider the motion. For some unknown reason the reception of the House toward a national university had cooled. However, it is significant that Congress was given the opportunity to empower itself with the authority to establish a national university. The question of specifically granting itself the power is presented for the first time since the Constitutional Convention. While the House did not defeat the motion per se, the vote for postponement was just as good for defeat. However, it did permit the issue to remain.

Two months the House convened itself into a Committee of the Whole for the reading of Mr. Wilde's bill. However, the bill was doomed. Instead of

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[139] Debates and Proceedings in the Congress of the United States, XXX (December 4, 1816), p. 234.

[140] Ibid., (December 12, 1816), p. 263.

praising the merits of the bill, Wilde reversed his position and moved to discharge the Committee of the Whole from considering the proposal. He commented:

> . . . At the commencement of the session he had the misfortune for such he esteemed it, to be appointed the chairman of a select committee, to whom was referred a very small portion of the President's message; and as that appointment had made it his duty, contrary to his wishes, to trouble the House by the occasional renewal of a most ungrateful motion, on certain order of the day, he had no doubt the House regretted the misfortune quite as much as he did. Since it had been their pleasure, for the reasons no doubt satisfactory to themselves, but among which Constitutional scruples could hardly be reckoned as a part, constantly to decline considering the report of that committee whilst consideration was possible; he was not weak enough to suppose they would bestow a thought upon it now, when all further consideration had become useless.[14]

The change in attitude is apparent. What is not said is important, for no record exists as to why the sudden change in attitude. The journals of Congress do not record what transpires in Congressional cloakrooms. Surely something occurred to promote Mr. Wilde to change his position on the national university. First, Mr. Wilde had indicated that if the university were within the legislative scope of Congressional, the committee would recommend the adoption of the measure. Obviously the defeat of the Atherton motion on December 11, 1816 hindered the progress of the bill. Second, Mr. Wilde stated that the measure would only be approved if the finances were On this aspect he stated:

> . . . The motion was made in perfect good humor, and in most perfect good faith; by no means of voting for one-half of it and

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[14] Ibid., (March 3, 1817), pp. 1063-64.

against the other.

> . . . The measure had long been more than civiliter mortus. He feared it had even become offensive to the economic sensibilities of the House. It was therefore high time it should be interred--not with obituary honors, of which it was in no wise worthy--but with the bare common decencies of Christian burial. . . . Further politicians might read it, and reading might, moralize on the uncertainity of all things--not excepting Executive recommendations. One good, he trusted would result, if not to them, at all events to their successors, from meditating among the tombs of National Education and Internal Improvement. They would listen, a little less seriously, to those noble and captivating projects which others heretofore have had the merit of proposing, and that House the odium of rejecting. They would learn to distinguish those things which were intended for Congress, from those, if there were any such which were intended only for the people.[142]

Interjecting several biting comments toward the close of his remarks, Wilde cleverly saved face by relating the proposal to its past doom. Wilde reflected in this passage some of the growing animosity toward the extension of federalism. The Marshall court had extended federalism through its decisions. In Fletcher v. Peck in 1810 the Marshall Court declared an act of the Georgia legislature unconstitutional because it conflicted with the court's interpretation of the constitutional guarantee of the sanctity of contracts. In 1816, the court delcared in Martin v. Hunter's Lessee that it possessed the right to review decisions of state courts in those cases were the decisions conflicted with the federal constitution. Several reasons might account for the apparent change in attitude. In addition to the defeat of the Atherton amendment, the growth of federalism and the apparent lack of finances, the period was

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[142] Ibid.

witnessing a rapid acceleration of westward migration. Since the War of 1812 was over, more time could be devoted to domestic issues such as the tariff. All of these factors were present and in some way influenced all Congressional legislation. Perhaps, it was the discussion on the tariff question which persuaded Wilde to declare that the proposal for a national university was now "offensive to the economic sensibilities of the house."[143] Portraying the frustration which this bill had faced, he realized that this was truly a dead issue. Being an apt politician, he abandoned the issue. The fact that he linked this bill for a national university with national education demonstrated once again their connection. The movement was still alive. While the proponents of national education were busy advocating, the House was equally busy rejecting. The negative attitude of Congress toward this issue aroused Wilde to question the issue of delegated and reserved powers. While many assumed that the power of education had tacitly been given to the states by the tenth amendment, Wilde wondered if the people truly retained the power not given to the states.

The question of education was ever present in the Fourteenth Congress. The House refused to consider a resolution providing that out of any surplus in the Treasury $1,000,000 be distributed by Congress among the States, Territories and the District of Columbia, for the promotion of education and the advancement of religion and morality.[144] This movement tried to extend the

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[143] Ibid.

[144] Ibid., (February 8, 1817), p. 933.

concepts of the Northwest Ordinances to the states employing monetary rather than land endowments. The movement failed. Thus, this Congress witnessed several attempts to aid education employing different objectives and precedents, but all failed. The journal also recorded feeble attempts to raise the question of internal improvements. In short, President Madison could not attain as Chief Executive what he had tried to attain as a Congressman namely: aid to education.

Madison's successor, President Monroe, joined the cause of the national university. His annual message to Congress described the improtance of internal improvements. Raising the dead issue of Congressional power over education, Monroe suggested that it be recommended to the States to include an Amendment to the Constitution to invest "a right in Congress to institute likewise seminaries of learning, for the all-important purpose of diffusing knowledge among our fellow-citizens throughout the United States."[145] Congress did not even refer his suggestion to committee.

Almost a year later, the House Committee on Public lands was "instructed to inquire into the expedience of granting to each state a tract of land, not exceeding 100,000 acres, for the endowment of a university in each state."[146] Reporting unfavorably on the resolution, the committee indicated that no state had petitioned Congress for such a grant. By large grants of land to corporate bodies, the settlement of the Western states would be impeded and would lessen

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[145] Richardson, II, op. cit., p. 18.

[146] Debates and Proceedings in the Congress of the United States, XXXIII, (December 7, 1818), p. 346.

the value of the land sales. The committee felt that if grants were to be made they should be monetary rather than in land.[147]

When new states entered the Union, Congress and the new state usually agreed to the stipulation that a certain percentage of the net proceeds of the sales of public lands lying within the state would be reserved for certain specified purposes. Usually the specific purposes were for internal improvements such as roads and canals. The amount alloted was about five per cent of the net proceeds of the public lands sold within the State. The first departure from this rule occurred when Illinois entered the Union on April 18, 1818. Congress stipulated that three per cent of the land sales shall "be appropriated by the Legislature of the State for the encouragement of learning, of which one-sixth part shall be college or university."[148] In all other States admitted to the Union prior to 1845, the five per cent proceeds were designated for internal improvement purposes. In 1846, Florida reserved such proceeds for educational purposes.[149] Thereafter, it became the established custom to devote such proceeds, with congressional consent, for educational purposes. Fourteen of the seventeen public land States admitted since 1845, had disposed of their five per cent for internal improvement for education. A similar disposition of a whole or a part of the proceeds had been made by sixteen of the twenty-five public land states admitted since 1803. With these

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[147] American State Papers, Public Lands, III, p. 140.

[148] Statutes at Large, III, Chapter 67, p. 430.

[149] Ibid., Chapter 75, p. 788.

legislative acts in mind Professor Roy M. Robbins, noted authority on the public lands concluded.

> . . . There was no country where the people paid so small an amount in taxes, where the federal government liberally provided by means of grants of land for common school system and state universities.[150]

Moreover, Congress had stipulated in the enabling act for States admitted since 1889, that the five per cent proceeds be placed in a permanent fund of which the interest only was to be applied for the support of common schools. Clearly, Congress through the public lands aided education not only universities but also the common schools.

Quietly, a bill was introduced and passed to establish the Connecticut Asylum for the Deaf and Dumb.[151] Congress felt such a project worthy of its patronage. It was quickly passed. It was most unusual that Congress would establish such an important precedent in aiding the education of the deaf and dumb without inquiring whether or not it had the power to do so. However, the bill was probably lost with the debates on the final settlements of the War of 1812 and with the purchase of Florida. However, in years to come, Congress would look back upon this unnoticed moment.

Almost two years after President Monroe's address in 1817, Representative Hill of Massachusetts submitted a resolution that "a committee be appointed to inquire into the expediency of establishing a National University within the

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[150] Roy M. Robbins, Our Landed Heritage: The Public Domain, 1776-1936, Bisson Edition (Lincoln, Nebraska: 1962), p. 146. The edition cited here is a paper back edition of Robbin's work. The original work was published in 1942. He is generally accepted as the noted authority on the public lands.

[151] Debates and Proceedings in the Congress of the United States, XXXIV (March 22, 1819), p. 82.

District of Columbia; and that the committee have leave to report by bill or otherwise."[152] In his introductory remarks he pointed out that the Chief Executives had recommended it and among other things it would perpetuate the Union and form a national character.[153] He further stated:

> . . . Whatever, therefore, had this tendency, he wanted to promote. Some gentlemen, said he, doubt the constitutionality of the project connected with internal improvement. Sir, this is the point at issue; and if there is not to be found a sufficient number in both Houses to pass the Law, the way will be open to apply to the people, the foundation of power, to be vested with authority. Other gentlemen will probably say, that this is not the time to introduce the subject; but I think differently. The resources of the United States are great, and the wealth of a nation consists in the industry and economy of its inhabitants. I think, therefore, we may not fear to make experiment, and hope my motion will prevail.[154]

Unfortunately, the House did not concur with Mr. Hill's proposal. Not in the mood to grant lands for education, the House negated the question to consider the resolution. Following this mood, Mr. Anderson, from the Committee on Public Lands reported on a resolution for granting 10,000 acres for the endowment of a university in each state. He reported that his committee found it inexpedient to grant a tract of land to a state for endowing a university.[155]

However, a few stubborn individuals pushed this point of Congressional involvement in education. One day later it was proposed that the Committee on Public Lands "inquire into the expediency of making appropriations of land

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[152] Debates and Proceedings in the Congress of the United States, XXXV, (December 23, 1819), p. 780.

[153] Ibid. p. 781.

[154] Ibid.

[155] Debates and Proceedings in the Congress of the United States, XXV (February 28, 1820), p. 456.

for the support and encouragement of literary institutions within the limits of the old states, corresponding with the provisions, heretofore, made for the same purpose within the lands of the new states."[156] The motion was referred to committee.[157] What was initiated in the motion was a movement on the part of the old states (original thirteen colonies) to obtain benefits from the sales of the public lands. They contended that since they ceded these western lands to the central government, they should share in the same benefits from public land sales as the new states. Furthermore, the old states had fought and won independence. The new states had no part in the Revolution. This battle began in 1820 and lasted for twenty years.

President Monore's administration witnessed a transition in the nation. The culmination of the changing times was the rise of the common man as envisioned finally in the election of Andrew Jackson in 1828. Monroe and his successor John Quincy Adams experienced a type of pre-nationalism which was heavily influenced by sectionalism as envisioned in the compromise of 1820. Until 1820, the subject of education generally evolved from the topics of the national university or the public lands. From 1820, the question of aiding schools was linked with other leading questions of the day such as the Pre-emption Act, the tariff problem, and revenue surplus. To continue to trace the movement of educational endowment, all problems before Congress must be

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[156] Ibid., (February 29, 1820), p. 459.

[157] Ibid.

examined. Therefore, a brief review of the events between 1776, and 1820, would be proper at this time.

Although Congress between 1776 and 1820 rejected all proposals for a national university, Congress established many important precedents concerning education. First congress confirmed the importance of education by the Northwest Ordinances and by the enabling acts admitting new states into the Union. Second, this esteemed body endowed universities and common school systems through land grants and the utilization of special funds from land sales for education. Third, without muchthought, Congress endowed deaf and dumb asylums. Fourth, the debates, the resolutions and the subsequent legislation demonstrated Congress's expressed interest in education. The actual debates, especially the opposition's comments reflected that these Congressmen read or were at least acquainted with the writings of such men as Knox and Smith. Fifth, although none of the proposals in Congress advicated per se the establishment of a national system of education, the opposition often feared that such a proposal contained within the full implementation of certain proposals. Their expressed fears of establishing a national system of education gave every reason to confirm the idea that the movement for the establishing such a system did exist. Finally, the very fact that the proponents did not refute the opposition gave credence to the belief that a national system was under consideration. Common law indicated that silence can be interpreted as consent. The most obvious of these occasions was Madison's silence on the topic of a national university when he was a member of the House. Those passages revealed that he did not endeavor to deny or refute the charges of his opponents who claimed that his proposal for a national

university would unite the existing schools.

CHAPTER FIVE

THE NEW ERA: JACKSONIAN DEMOCRACY AND SECTIONALISM 1820-1840

Signs of sectionalism began to appear in 1820. The compromise of 1820 initiated sectionalism and questions were often debated along bloc thinking rather than individual thinking. The movement reached its apex in the fifties. By 1854, with the passage of the Kansas and Nebraska Act the ultimate conflict was envisioned by all. All legislation, including resolutions on school lands, were involved with sectional controversy. The Presidents continually intoned ringing statements on the need for national unity and the establishment of national character. Following the thoughts of such men as Washington and Noah Webster, they envisaged the means for such unity in a national university.

The first sign of this new era appeared on January 7, 1820 when the House resolved itself into a Committee on the Whole to consider a resolution to grant "a township of public land to the Deaf and Dumb Asylum in the city of New York."[158] Mr. Meigs of New York, chairman of the committee, gave an account of the reasons for the support of the bill. Making the distinction that this appeal was not based upon charity, he proclaimed, "It is perhaps,

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[158] Ibid., (January 7, 1820), p. 863.

not a province of this Government to give alms. But it is made on the ground that this nation regards knowledge as the basis of strength."[159] Pointing out that Congress had made an appropriation for a similar asylum Mr. Meigs felt that nothing else need be said.

The honorable and shrewd Henry Clay rose to speak against the bill.

> . . . Waiving the question, whether, after the liberal endowment by Congress of the Connecticut Asylum, the want of society required (which he doubted) another institution for the deaf and dumb; he must think that if we made any grant, it would be better to make it directly in money rather than land. . . . It might be fairly estimated, considering those privileges, as worth about one hundred thousand dollars. . . . It would abstract so much from the public revenue; and ought therefore to be considered, as in effect it was, a grant of much money. And he hoped, if the honorable gentleman pressed the passage of the bill, that he would move an amendment to substitute money for land.[160]

Clay was the first to say what others probably had thought. He brought out that land grants were in effect money grants. Congress could no longer fool itself; it was aiding and promoting education through land grants which in effect were rather large sums of money. In a few years Congress requested a tabulation of the public lands that were granted for educational purposes. Converted into dollars, the sum would be several million dollars worth of land had been granted to education. Although Congress would request a tabulation, no accounting has ever been made of how the land sale money was specifically used. No assessment could be made because records were seldom kept on how the

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[159] Ibid.

[160] Ibid., pp. 883-4.

land sale money was spent.[161]

To compound the measure and its problems, Mr. Randolph followed Clay in the debate on the Deaf and Dumb Asylum.

> Mr. Randolph observed that he was opposed to this bill for another reason, which had great weight on his mind, and ought to have on that of every member from Virginia and Kentucky--it was, that the provisions of the bill were opposed to the letter and spirit of that contract to which the States of Virginia and Kentucky were parties. . . . This bill, Mr. R. continued, was at direct variance with the contract of cession of the territory which comprises the States of Indiana, and Illinois, and the territory northwest of them.
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> . . . If we go on by precedents, we shall loose sight of the Constitution, instead of looking to it--looking to it as a constitution of delegated powers--a jealously guarded delegation of authority.[162]

Randolph raised two important points. First he alluded to the Kentucky and Virginia Resolutions of 1798.[163] Why would he bring these resolutions to the

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[161] In an interview with Dr. Wayne C. Temple, director of the State Archives Building, Springfield, Illinois, the author was told that only fragmentary records exist on how the monies for school lands were spent. While the land records per se are fairly complete, no one gave consideration to the accounting of school money. The people trusted the school lands commissioners as long as schools were built and as long as children received an education; no questions were raised. Many of these purchases were handled by various local authorities. Few of the records exist in local county seats. Since neither the federal nor the state governments asked for an accounting, the records probably never were or were incomplete. In certain counties of such states as Georgia and South Carolina, county records are kept in the hip-pocket notebooks of county recorders even today.

[162] Debates and Proceedings in the Congress of the United States, XXXV (January 7, 1820), p. 884.

[163] The Virginia and Kentucky resolutions were drafted by Jefferson and Madison in 1798. In effect these two resolutions claim that the states could prevent the federal government from exercising unwarranted powers. They were used as campaign material for the Republicans. Randolph in this statement is a mid-point between these resolutions and the Doctrine of Nullification of 1832. His statement points out that the states were not always willing to accept the federal government's pronouncements.

attention of Congress? Although, the presidency changed hands, the spirit of nationalism and the growth of the federal government had been felt by the decisions of the Supreme Court under the direction of its Chief Justice, John Marshall.[164] In all probability, Randolph was reacting to this extension of nationalism. Second, Randolph questioned the constitutionality of the issue at hand. Although Congress aided the Connecticut Asylum, Randolph contended that that was wrong and to continue to base Congressional legislation on precedent was dangerous.

Mr. Randolph later asserted in refuting the objections to his remarks that Congress:

> . . . had just as much right to make the office of President hereditary; to pass a septennial act for the meeting of Congress; or do any other unauthorized act as to make this grant, if not found in the Constitution.[165]

Thus, Randolph felt that aiding this Deaf and Dumb Asylum was a flagrant violation of Congressional power.

Mr. Barbour, of Virginia, united with Mr. Randolph in opposition to the bill.

> . . . By granting the public lands to the institutions of of one State, Mr. B. maintained that it operated an injustice on the other States, inasmuch as it diminished their proportion

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[164]Chief Justice John Marshall aroused resentment among those who cherished the states' rights philosophy. His opinions in such cases as Marbury v. Madison (1803), Fletcher v. Peck (1810) and Martin v. Hunnter's Lessee (1816) established the doctrine of judicial review. Inroads on protection of property were made by Marshall in Dartmouth College v. Woodward (1819). The cuase for expanding implied powers was further enhanced in McCulloch v. Maryland (1819). In years hence, he would further the federal government's interest in commerce in Gibbons v. Ogden (1824) and Craig v. Missouri (1830).

[165]Ibid., p. 886.

> in the public lands, which belonged equally to all. . . . If for the promotion of knowledge Mr. B. said, why did New York apply to this House; why not rely on her own resources? Virginia with less resources than New York, had established a system of public education, for which she might with as much propriety, ask of this House a similar donation of public land.[166]

For Mr. Barbour, this proposal induced favoritism on the part of Congress toward New York. He felt that the state should find its own source of revenue. He amplified the spirit of sectionalism.

Mr. Meigs, the sponsor, reiterated his contention that knowledge was important to all mankind and that Congress should spend money on education. He elaborated upon foolish expenditures of the federal government such as candelbra, marble statues, etc.[167] He contended that some of these expenditures far exceeded one year's tuition for the persons in the deaf and dumb institutions. Meig stipulated that while France may be noted for victories on land; England, for victories on the sea; the United States should be noted for its benevolent attitude toward deaf and dumb institutions. He concluded his remarks in a dramatic refutation of Mr. Randolph's comments:

> . . . The honorable member from Virginia (Mr. Randolph) has discovered, that, in truth, we have no power under the Constitution of these United States, to make a grant for the purposes contained in this bill. I regret that, under that clause of the Constitution upon which he has just commented: 'that Congress shall have power to make all necessary for the purpose of carrying into execution,' &c., we really have no authority to establish and maintain systems of instruction. I have seen that the learned Judges of the Supreme Court of this

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[166] Ibid., p. 887.

[167] Ibid., pp. 887-8.

> land have maintained the Constitutional existence of a bank; . . . and I must express my regret and astonishment together, that this famous clause of the Constitution has yet magical strength to bear so vast a bank, and is yet too feeble to raise a common school.[168]

Needless to say, Mr. Meig touched upon the delicate matter of growing nationalism. By stretching the "elastic clause" to cover education, he contended that Congress could establish a school if it could establish a bank. Whether consciously or not, his argument concluded on the note of a common school rather than a special school which was the point under discussion. No wonder the opposition feared that these proposals were seeds for Congressional control over education.

As a final aside Meig stated that New York was spending as much on education as other states. She had "appropriated to that end more than two millions of dollars."[169] So the question was not whether or not New York was doing her share, but rather whether or not Congress should aid the cause of this deaf and dumb asylum for the reasons presented. A few concluding remarks were exchanged by the members of the House. The important one was that Mr. Foote of Connecticut, whose home state was the benefactor of the first deaf and dumb institute, opposed the measure. The bill was defeated largely through the efforts of Henry Clay.[170]

This entire incident aptly demonstrated that Congress would review its

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[168] Ibid., p. 888.

[169] Ibid.

[170] Ibid., p. 891.

previous commitments. The growth of nationalism influenced the decision. For the first time, the House realized that a land grant was in effect a revenue grant. This particular bill brought out the important question: What share should the old states have in the sale of the public lands. Demonstrating the existing conflict, the legislators questioned Congress's right to sell the public lands and distribute the funds. Randolph contended that Congress had no power to endow educational institutions, while Meigs argued Congress could endow education by means of the "elastic clause." These two opinions demonstrated the existing differences of opinion on the subject; these differences would remain for a long time.

During this year and probably influenced by the thinking expressed in the debates on the deaf and dumb asylum proposals, the Old States, led by Maryland, memorialized Congress for grants of lands for educational purposes. The substance of the resolutions presented to Congress was that:

> each of the United States has an equal right to participate in the benefit of the public lands as the common property of the Union, and that the States in whose favor Congress had not made appropriations of land for the purpose of education, are entitled to such appropriations as will correspond, in a just proportion, with those heretofore made in favor of the other States.[171]

Maintaining that the public lands had been acquired by common efforts and by purchase or cession, these memorials contended that all states should be entitled to proportionated participation in these lands. These petitions were

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[171] Debates and Procedures in the Congress of the United States, XXXVII (February 27, 1821), p. 1240. Complete copies of all the memorials can be found in American State Papers, Public Lands, III op. cit., pp. 499-514. The various memorials were introduced during January, February and March, 1821.

referred to committee, and never came out of committee.

The Maryland Proposal, printed in the Appendix of the Debates and Procedures, contained many significant statements and charts. The first chart gave a detailed analysis of the number of acres devoted to education and the monetary equivalent at the lowest possible price. The expenditure by the federal government through land grants was over thirty million dollars. Maryland submitted a plan stating their concept of an equitable distribution to the old states. The total amount for the old states was slightly less than ten million dollars.[172]

To demonstrate the unfairness of aiding education by granting lands to the new states, Maryland argued thusly:

> . . . Suppose Congress should pass a law appropriating one 36th part of the revenue collected from foreign commerce in the ports of Baltimore, New York, Boston, Norfolk, Charleston, and Savannah, to the support of common schools throughout the States, every person will admit, would have a right to complain of the partiality and injustice of such an act; and yet, in what respect would an act appropriating one 36th part of the revenue derived from foreign commerce to the use of schools in the six States in which it should be produced, by more partial or unjust than an act appropriating one 36th part of the public land in Ohio, Indiana, Illinois, Tennessee, Mississippi, and Alabama, the six States in which the public lands, on this side of the Mississippi are chiefly situated, to their exclusive benefit in the maintenance of their schools?
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> Your committee are aware that it has been said that the appropriation of a part of the public lands to the purposes of education for the benefit of the States formed out of them, had had the effect of raising the value of the reside, by inducing

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[172] Debates and Procedures in the Congress of the United States, XXXVII, Appendix, (January 30, 1821), p. 1780.

> emigrants to settle on them. . . . yet the knowledge of children in the West, though other motives usually influence emigrants, might have had its weight in inducing some to leave their native homes.[173]

The Maryland Memorial contended that the benefits of the public land sales belonged to all states. To apply the benefits of the lands to the new states was unjust. However, if such an illegal procedure was accepted, then the Old States could enact a special tariff on imports for education. Both acts were unjust the Maryland memorial contended. Moreover, the old states had lost residents to the new states by virtue of the public land policy. The Old States proposed that something must be done so that they could receive their share of the common public land. The memorial was sent to committee and died in committee. The fact that the Maryland Memorial introduced the topic of tariff should be noted for in subsequent debates the tariff question was linked to the question of public lands and education.

The topic of providing public lands for education was again introduced to the House of Representatives on January 14, 1822.[174] The first area of debate concerned the question of which committee should consider the question. Normally, the question would be referred to the committee on Public Lands. The committee, however, was controlled by representatives from the new states. Some felt that since this question concerned more than just the granting of public land it should be referred to a select committee. The debate ensued

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[173] Ibid., p. 1782.

[174] Debates and Proceedings in the Congress of the United States, XL (January 14, 1822), p. 710.

on the topic of which committee should consider the question of grants of lands for education. Mr. Woodson, of Kentucky, commented on the subject. His remarks aptly summarized the feelings of many of the Congressmen.

> It is, said he, a subject of great interest, involving national education, which has engaged the attention of the different states in the Union, and upon which the people, through their Representatives, in the State Legislatures, have respectfully presented their views; and a majority, he believed, had asserted their relative rights, in the form of deliberate legislative resolutions and remonstrances. And shall we, said he, upon a question deserving such importance, not only from its character, but the manner in which it is presented, refuse that courtesy to the States which is frequently extended to individuals? He trusted not.[175]

Without a doubt the proposal before the House indicated that the states wanted public lands in order to support education. The question of a national endowment presented itself. The Old States wished to lay their claims to a share in public lands for education. The entire question was of national concern. Representative Archer spoke in behalf of establishing a select committee for this question. He proclaimed that "this subject now occupied a large space in the public eye, and, he thought, a question involving the highest principles of the Constitution of our Government, and of the interest and power of the nation, should not be in any way withdrawn from the most full and deliberate examination."[176] The question was put to a vote. By a vote of 57 to 89 it was decided not to refer the question to a special committee. Mr. Cook then rose and proposed an amendment to the original motion of granting

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[175] Ibid., p. 712.

[176] Ibid., p. 713.

public lands for education. He suggested that the words, "And, also, of making a similar appropriation for the support of a National University in the District of Columbia" be added. He contended that such a proposal was in the best national interest and that it would help the formation of the national character.

> . . . he thought it was an object of national concern to encourage learning in the District of Columbia--not merely for the purpose of extending the empire of intellect, but also, to diffuse a national character. The establishment of an University at the Seat of Government had been an object of great solicitude with all the successive Presidents of the United States, and whose sentiments must carry with them great weight and authority. The state of public feeling, at the present time, gave additional reason for using every effort to combine and nationalise our character. It was known that there was an existing collision between the National Government, and some of the State sovereignties. This measure would tend to unite them, and dispel the prejudices that exist but too extensively. He knew of no method so effectual as that which he proposed, to effect the object. It was like a fountain upon the summit of the empire, bursting the mounds of prejudice, and fertilising the plains below. It would diffuse national sentiments in its progress, and dispel those wayward feelings that now, unhappily, too often clouded the understanding.[177]

Needless to say the motion was defeated. The very fact that Representative Cook allied the strength of the Union to the establishment of a National University allienated the advocates of State's rights. His statement aptly demonstrated that all issues of the day were linked to sectionalism. To assume that a national university would be the panacea to mounting tensions was rather whimsical on his part. Such a motion now that it had been linked to sectionalism would be doomed to defeat. The measure, as has been noted, had

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[177] Ibid., pp. 723-4.

not succeeded on its own merits. The link to sectionalism functioned only as a lead weight in the vast sea of legislative proposals.

The debate now centered on the question of giving public lands for education. Speaking for the opposition, Mr. Gorham pointed out that such a proposal would create jealousies among the members of the Union. He said that no just means could be devised by which the old states could have public lands for education. The reason why these lands were given to the new states was to induce settlers. He contended that the federal government could make such grants to new states by virtue of their compacts with the new states. He stipulated that if the public lands were sold and the money given to the old states it would be the same as collecting a tax for the purposes of education. He, therefore, questioned the authority of Congress to apply the public land funds in this manner.[178] A floor debate broke out on parliamentary procedure as the proponents and opponents battled on this measure. All attempts failed. The hour of adjournment approached and debate ended. No further comment was made on the subject. Assuming that this measure followed its predecessors, it died in the committee on public lands. Thus, since 1820, two important factors were introduced which affected the movement to establish a national system of education. First, the arguments on education were tinged with the problems of sectionalism. Second, the old states began to petition Congress for a share of the sales of the public lands which they hoped to apply toward the improvement of education.

One year later valiant efforts were once again mustered in behalf of

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[178] Ibid. pp. 715-6.

education. Mr. White of Vermont introduced the following resolution:

> Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of appropriating and setting apart a moiety or portion of the avails of the annual sales of the public lands for the purpose of establishing a permanent increasing fund, the interest of which, after it shall have increased to a given sum, shall be distributed for the promotion of education in the several States, according to the principles of equal right and justice.[179]

Clearly Congress was now asked to support education in all states. The old states contended that such a proposal was their just share of the public land sales. Some of Mr. White's comments were significant on this topic.

> . . . Education is of the first and highest importance. Education is to the body politic what vital air is to the natural body--necessary to its very existence--without which it would sicken, droop, and die. Education ought to be here considered in its broadest sense, and as not only embracing literary and scientific, but political, moral and religious instruction.
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> . . . I will say that, in my humbler opinion, the National Government could not do a wiser act than now to set apart a portion of the avails of the annual sales of the public lands for the establishment of a permanent fund for the promotion of education in the several States, according to the principles of justice and equity.
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> . . . One hundred dollars, judiciously laid out, in the education of youth, would go further in the maintenance and support of a free Government, and in promoting the prosperity and happiness of the people, than thousands expended in enacting criminal codes, establishing courts of judicature, jails and penitentiaries without education. District schoolhouses, parish churches, and other edifices dedicated to the sacred purposes of education if sufficiently multiplied through the country, and suitably furnished with the enlightened, moral and religious teachers, will render useless and harmless, a courthouses, jails, and penitentiaries--these necessary public nuisances, and infringements upon the natural rights of man.
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> An expression of this kind, by the National Government, would add weight and importance to the subject. It would encourage the State governments to increase their endeavors, and to preserve in their

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[179]Debates and Procedures in the Congress of the United States, XLI (February 15, 1823), p. 960.

> laudable exertions for the promotion of education, within their respective jurisdictions. Although education is a subject which the National Government will not undertake to control nor will they interfere with State governments in regulating the same--yet it is of such vital importance, so intimately connected with the national welfare, that the National Government ought to be liberal, and the first to contribute to its support.180

These remarks from Mr. White's lengthy speech amply demonstrated that the states wanted Congress to support education. White amplified the importance of education to the nation and the need for continued support of education. While he contended there would be no federal control, he knew that the opposition feared such a control of education. The issue of education had departed from the establishment of a national university and had focused on the states sharing in the sales of the public lands. However, to appease the opposition, White deleted many of the objectionable aspects of the resolution introduced the previous year. He noted this in subsequent remarks. The commentary by the proponents of the measure indicated that these individuals were now concerned more with the manufacturing bill than with the problem of education. While it was true that the states needed money for education, it was more important to them that the tariff question be resolved. White's resolution was ordered to lie on the table. The question did not come up for discussion again in the Seventeenth Congress.

As evidenced by this proposal and its discussion the nature of congressional legislation now began to be affected by the contagion of the internal improvement epidemic. If a proposal for aiding education were to be

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180 Ibid., pp. 960-64.

successful, it would now have to ally with the forces of internal improvement. The defeat of White's resolution aptly demonstrated that the question of education was not as important as the fundamental principle that government should concern itself with establishing itself.

Educational endowment advocates quickly allied themselves with the internal improvement movement. On December 22, 1824, Senator Johnston of Louisiana moved to designate public land money for a perpetual fund for education. Under his plan, the proceeds of public land sales were to be invested as Congress might direct, and the interest arising was to be distributed among the several States according to their ratio of representation, each half to constitute a State fund for purposes of education, and internal improvement.[181] The resolution was laid on the table.

On December 30, 1824, Mr. Barbour introduced a resolution to aid Columbian College. Congress had granted Columbian College a charter since it was located in the district of Columbia. Mr. Barbour indicated that Congress should support this institution. Congress had appropriated money for other local colleges and should now aid this particular college. Moreover, this college was controlled by Congress since it had issued its charter. He Felt

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[181]Register of Debates in the Congress of the United States, I (December 22, 1824), p. 42. It should be noted that with the Eighteenth Congress Gales & Seaton started to publish the official record of congressional debate under this title. The particular Congress will be recorded in volume one of this work. Hereafter, the same format in footnoting will be followed as has been followed for the Debates and Proceedings in the Congress of the United States. It should be noted that some researchers merely refer to this particular set as Debates. Others refer to this and the Debates and Proceedings as the Annals of Congress and continue the same volume number as the preceeding set. Thus, this citation might read Annals, XLIII. However, by citing the full and correct title along with the colume number of the Debates and the date, one could easily locate these materials in a library.

that if Congress would not appropriate the money to aid the college, then Congress should release its control of the college. The debate ensued as to whether or not this was a national university. Deciding that this was not a national university, but a territorial institution, Congress referred the resolution to a committee.[182]

President John Quincy Adams in his address to the first session of the nineteenth Congress discussed the problem of education.

> . . . Among the first, perhaps the very first, instrument for the improvement of the condition of men is knowledge, and to the acquisition of much of the knowledge adapted to the wants, the comforts, and enjoyments of human life public institutions and seminaries of learning are essential. So convinced of this was the first of my predecessors in this office, now first in the memory, as living, he was first in the hearts, of our countrymen, that once again in his addresses to the Congresses with whom he cooperated in the public service he earnestly recommended the establishment of seminaries of learning, to prepare for all the emergencies of peace and war--a national university and a military academy. With respect to the latter, had he lived to the present day, in turning his eyes to the institution at West Point he would have enjoyed the gratification of his most earnest wishes; but in surveying the city which has been honored with his name he would have seen the spot of earth which he had destined and bequeathed to the use and benefit of his country as the site for an university still bare and barren.[183]

Thus, President Quincy Adams introduced the old question of establishing a national university to the Congress in his first annual address. Following the long established pattern, it was resolved that that part of the President's

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[182] Ibid., (December 30, 1824), pp. 90-4.

[183] Richardson, II, op. cit., pp. 311-12.

message by referred to a committee.[184] It died in committee. With the exception of discussion on the Smithsonian Institution in 1836, the question of establishing a national university is silent. Congress did not concern itself with the question of establishing a national university until after the Civil War and the Reconstruction.

The movement for national involvement in education now allied itself with other proposals and was envisioned in other questions of the day. Senator Dickerson on January 30, 1826, remarked that the public debt would be soon extinguished and a surplus of treasury monies would exist. He presented a resolution to the effect that provision be made for the annual distribution of three million dollars among the States and Territories for the purposes of education and internal improvements, according to their proportion of the rate of direct taxation.[185]

One month later the committee reported favorably on the bill. However, nothing developed; the question simply died. Significantly, the committee in its report indicated that it was the responsibility of government to see that schools and education abound. They did not consider it a poor credit risk to have the money from land sales invested into a fund for the support of common schools. They stated:

> . . . Large portions of land, have, from time to time, been given to other individuals, and to public institutions. Now if it be good faith to give away the lands, from which the revenue pledge

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[184] Register of Debates and Proceedings in the Congress of the United States II (December 20, 1825), p. 25.

[185] Ibid., p. 77.

to the sinking fund is derived it cannot be bad faith to appropriate a portion at least of their proceeds for the support of common schools.

. . . The question is not whether Congress can superintend and control the private schools in the several States, but whether Congress can appropriate the proceeds of these lands for the use and support of those private schools, to the applied by and under the exclusive authority of the several states?

. . . The Military Academy at West Point is an invaluable institution. If Congress has the constitutional power (and we believe no one denies it) to establish such a school; to draw money directly from the public Treasury for its support; to pay for teaching a boy mathematics and engineering; it may be difficult to show that Congress has not the power to employ a few acres of the public domain to teach a poor man's son how to read.

. . . But the proposed appropriation for support of common schools, is for an object general in its nature and benefits. It is an appropriation, in which every American citizen has a deep interest, and by the operation and influence of which, the ignorant and wise, the rich and the poor, the Government and the governed will receive direct and lasting benefits. . . . Common schools are the nurseries of youth; they are the most universal, as they are the most effectual means of opening the mind; of giving reason the mastery, and of fixing, in habits of sober industry, the rising generations of men.

. . . The committee, therefore, propose that the sum annually appropriated shall be invested by the United States, in some productive fund, the interest or other proceeds of which shall annually be apportioned among the several States, according to the representation of each State in the House of Representatives in the United States.

. . . Beside the fact of there being a permanent fund, the interest of which is to be applied to the glorious purpose of training up the young mind in the way of knowledge and morals, will in some degree at least, excite in these guardians of State rights a just emulation in promotion, to every practicable end, the great cause of common education.

. . . Are not, then, the National and State Legislatures under the strongest obligations to the People of this country, to provide and apply the means whereby every child may have the opportunity, in these nurseries of the mind, of acquiring some knowledge of letters, and of the various duties he owes to his country and his God?

> . . . Believing, therefore, that a portion of the proceeds of the public lands may be spared; that the diffusion of common education among the people it demanded by the highest consideration of national glory and safety, and that Congress possesses both the power and the right to appropriate them for this purpose, the committee submit a bill.[186]

This particular committee report introduced several new arguments. First it affirmed Congress's role in education. Secondly, it established the fact by reason of comparison that if Congress could establish an educational institution such as West Point, it could establish schools for the common man. However, the committee did not ask Congress to establish schools, rather it requested support for already existing schools. If Congress had the power to draw money from the treasury to support West Point, again by reason of comparison, it had the power to utilize the sale of public lands for common schools. The report reflected some of the thinking of the Eighteenth century philosophers when it exhorted the government to assume its role in education. Citing the common schools as the "nurseries of youth" emphasize the theme of Knox and Smith in their essays. The proposed fund was not a single grant, but rather it was a permanent fund for the endowment of education. Although Congress did not intend to control education, the committee indicated that Congress did intend to provide the incentive for the states to foster good systems of education. What was not stated and what was left open for speculation was just what would be the role of the federal government if the States did not use this money wisely?

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[186] Register of Debates and Proceedings in the Congress of the United States, II, Appendix, (February 24, 1826), p. 116-118.

Although the initial discussion indicated that Congress did not intend to control the schools, it should be noted that no specific mention of control was made in the committee report. Perhaps the strongest statement of the committee was that Congress did have both the power and the right to make an appropriation for educational purposes. Although the committee did make this statement, it must be remembered that Congress had previously declared in another committee report that it had the power to establish a national university. Congress did not accept the previous committee recommendation on establishing a national university nor did it accept the committee report on establishing a permanent fund for education. In both cases the official record made not statement as to why these recommendations failed. Strong, but silent, forces were busy preventing the passage of such recommended bills.

The Senate document relating to this proposal afforded an unique study in the financial structure of retiring the debt of the United States. Senator Dickerson presented to the Senate committee a detail chart depicting exactly how the debt could be retired and how a government surplus could be avoided by applying the fund to a permanent school fund. Highly noteworthy was the fact that the bill was more concerned with the problem of eliminating government surpluses than it was with aiding education.

Hoping to combine two factions in order to gain support of his bill, Senator Dickerson hoped to appease those who had been laboring hard for the support of education while providing at the same time a means to eliminate government surpluses. Since the bill was closely tied to the issue of internal improvements, it would be attacked by those who opposed Congress's role in internal improvements. Perhaps, one of the reasons why this proposal

mat defeat was that many saw in it a panacea to the problem of treasury surplus which threatened their own "pork barrel" legislation. This report stated its purposes as more financial than educational.

> It would relieve the General Government of the serious inconvenience of an overflowing Treasury, which, if not provided for in the manner proposed, or by a reduction of our revenue, will impair the most important principles of our constitution.
>
> It would relieve the two Houses of Congress of a large portion of legislation now devoted to the disposal of our surplus funds--legislation now devoted to the disposal of our surplus funds--legislation of the worst kind, calculated to produce combinations, sectional feelings, injustice and waste of the public treasure.[187]

The preamble of this proposal alienated many who advocated other plans. However, Senator Dickerson did accurately predict the rise of sectional feelings and bitter debates. If he had thought the educational proposal would have avoided such a conflict, he had failed to grasp the deep roots of sectionalism. The question of states' rights v. federal power would torment the union for many more years.

On March 28, 1826, the House debated the question of granting a township of the public lands for the Kentucky Asylum for the Deaf and Dumb. After much debate on the constitutionality of such a grant, the bill was passed. The Senate amended it and returned it to the House. The House passed the amended

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[187]Senate Document No. 95, 19th Congress 1st Session (May 11, 1826). All Congressional documents can be found in the Serial Set which continues the American State Papers. Location of items in the Serial Set is difficult since they were not indexed until the later part of the Nineteenth Century by the Superintendent of Public Documents. His Index is incomplete and often inaccurate. Yet it is the best and only source available. The only complete or nearly complete set in the Chicago area is at Newberry Library. Recently some volumes were damaged.

bill and the bill became law on March 30, 1826.[188] The fact that the constitutionality question arose in this case pointed out the continued concern of the states' rights advocates. Since a precedent for aiding deaf and dumb institutions had been established, the bill was passed. Thus, this bill followed the pattern that Congress generally did not break with precedent on land grants even those which were for local purposes.

The following year the question of aiding education was discussed only once. After much haggling, a bill was sent to committee with the request "to inquire into the expediency of making a general provision for grants of land too all the States in the Union, which have not already received such grants, for literary or other public institutions."[189]

In short, during the Monroe and Adams administrations the question of educational aid was presented to Congress with little resulting success. The Congresses passed legislation which was founded upon the precedents established in the Northwest Ordinances. The issue was linked to the questions of internal improvement and sectionalism.

The Twentieth Congress acted upon three requests in the educational field. First, Columbian college requested money. The final outcome indicated that Congress would cancel the college's debt, if the college would return what had been granted to it and sever all relationships as a territorial

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[188] Register of Debates and Proceedings in the Congress of the United States, II (March 28, 1826), p. 371.

[189] Register of Debates and Proceedings in the Congress of the United States, III (January 24, 1827), p. 611.

college. The law embracing these objectives was passed on March 19, 1828.[190] Congress also gave its permission for Indiana to sell its school lands. This was the beginning of a movement whereby the states now continued to petition Congress to either exchange or sell school lands for various reasons. The precedent had been established when Ohio had made a similar request several years earlier. As indicated earlier in this chapter, no one has ever accounted for the wealth which accrued from the sale of school lands in the various states.

The only proposal which truly sparked debate was a bill granting a township of land to Kenyon College. What had been feared by the opponents of aiding the deaf and dumb asylums now appeared. Kenyon college's request was based upon the precedent established in granting land to the Kentucky deaf and dumb asylum.

Presenting the opening remarks in behalf of the bill, Mr. Kane of Ohio stated that the means of education were not sufficient for the wants of the people in the Western country. He stipulated that the state of Ohio was busily engaged in building a canal and could not grant funds for a college. He simply dismissed the question of the constitutionality of this grant by saying that Congress had established a precedent in granting lands for the instruction of the deaf and dumb. He amplified the fact that the new states did not have the means to support education until such time as the public domain could be sold, settled and subject to taxation. Since that process would take a long

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[190] Ibid., (December 10, 1827), p. 10.

time, he suggested that Congress aid the much needed Kenyon college by granting a township of land. Many students who had requested applications to attend the college had to be refused since there was insufficient dormitory space. Part of the college had been endowed by private donors and the religious group initiating the college.[191]

Arguments pursued objecting to aiding a religious institution and questioning the feasibility of Ohio to maintain good schools. The proponents argued that the new states were at a disadvantage in supporting schools and the request was not for the religious institution but rather for the people of Ohio. These objects were not new. The question of aiding the school or the pupil has come down to us in the Twentieth Century.[192] The comment upon the need for subsidy in order to build dormitories was new. Congress would not aid college building programs until after World War II.

What appeared on the surface as a bill to aid merely one college had many deeper ramifications for others. The remarks of Mr. Tyler gave a clue to the reason why strong silent opposition had killed many a proposal. What he feared further amplified the fact that there were strong feelings about establishing a national system of education.

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[191] Ibid., (March 28, 1828), pp. 532-3.

[192] Certain states will provide textbooks or schools buses on the principle that they are aiding the child and not the school. A Supreme Court decision on the subject is: Everson v. The Board of Education, 330 U.S. 1. Under current legislation the Elementary and Secondary School Act, and the National Defense Education Act, monies are provided for certain items such as after-school programs, headstart, etc., on this same idea of aiding the child and not the religious school involved.

> . . . if the present bill passed, the Government might fairly be considered as having acted upon a new doctrine pregnant with consequences the most fatal in their character to the sovereignty of the States. If Congress had the right to endow a college, it had an equal right to establish primary schools of instruction; and a system reared upon the principle would address itself as strongly to the interest as any other which had been acted upon. Nor were his fears upon this subject wholy imaginary. The President, in his first message, had thought proper to recommend the establishment of a National University; and, acting upon the principle in extenso, a proposition, he believed, had been made in the House of Representatives shortly thereafter, to establish primary schools throughout the Union. Were gentlemen prepared to set a precedent which would be carried to such conclusions? He wanted to know what value the State Governments could be, if this Government took into its hands the supervision of the highways and the education of children?
>
> Virginia made here donations of lands for objects specified in the grant; the most important of which was the extinguishment of the public debt. The lands were to be disposed of for that purpose. That compact was made anterior to the adoption of the present Constitution, and is eqully obligatory with it. Congress had no more right to expunge that condition or stipulation than to strike from the Constitution itself any one of its featues. The right to give lands or to appropriate money from the Treasury, were equivalent, and he objected to both alike.[193]

The Senator from Virginia expressed a fear that this proposal would lead to federal control of education. He also contended that the proposal was unconstitutional. Mr. Tyler's attitude reflected his concern for the state's rights. Although Mr. Tyler referred to a proposal for establishing a primary school, no such proposal is mentioned in the official records. However, hints of such proposals were evident as has been pointed our earlier in this and the preceding chapter. Senator Tyler definitely linked this question to the question of state's rights. His fear of the movement to establish a national system of education gave credence to the fact that such a movement was present.

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[193] Ibid., p. 540.

One could question whether or not Senator Tyler was stretching the point too far.

Referring to Senator Tyler's comments Senator Chambers proclaimed:

> In that message, the President recommended to the attention of Congress the propriety of establishing and encouraging a National University. In doing so, the President had but adopted and repeated the declarations of anxious solicitude which had been expressed by those who had previously occupied the station he now fills, and whose earnest recommendation of the same favorite object, had not, he believed, made them the subject of censure which is implied in the recommendation of an unconstitutional measure. This object was peculiarly and earnestly urged by General Washington, as well as by his successors.
>
> The honorable gentleman could perceive in this bill, not only the consummation of the purpose suggested by the President's message, but another, yet more at was with the constitutional restraints on the power of this Government, 'the establishment of primary schools.'[194]

Confirming the suspicions of Senator Tyler, Senator Chambers also felt that such a far removed objective as aiding Kenyon College could be linked to the establishment of a national university and aiding primary education.

The ensuing arguments were fierce. Pointing out that this proposal would set dangerous precedents, the legislators felt that if this bill passed then Congress would have to aid colleges. If equal grants were made to all states, the total sum of the grant would exceed 25,000 acres of public lands to each state. The advocates of states' rights charged that this course of action would overthrow the federal government's unique position. They mightly proclaimed:

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[194] Ibid., pp. 543-4.

> . . . when the Federal Government shall undertake, with the patronage, its influence, and its revenue, to invade the States--to interfere with, to regulate, and to control, their domestic concerns--then will begin that might struggle, the issue of which will decide whether this shall become a great consolidate Government, (with all powers centered here,) or continue a Confederacy of free and independent states.195

These eloquent words prophesize the impending conflict. Education and schools were not the cause; they were merely one of many issues caught in the whirlwinds of sectionalism. Before the final vote was taken, the speakers again affirmed their convictions that this bill, if passed, would open new doors and establish dangerous precedents. The bill passed. No count of the yeas and nays was recorded. The second session of the Twentieth Congress passed a bill allowing Alabama to exchange its school lands for better lands.[196]

The Twenty-first Congress passed a bill to appropriate a township for a Deaf and Dumb Institution in New York.[197] The debate focused upon the usual arguments and really did not precipitate much discussion. The only new endeavor of the Twenty-first Congress was that it tried to establish a standing committee on education. The motion was laid on the table. The hornets-nest of legislative arguments focused on Congress's power to exercise control over legislation.[198]

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195 Ibid., p. 546.

196 Register of Debates and Proceedings in the Congress of the United States, V (December 24, 1828), p. 12.

197 Register of Debates and Proceedings in the Congress of the United States, VI, (April, 1830), pp. 302-05.

198 Ibid., (December 16, 1829), pp. 45-7.

The question of distributing the funds from the sales of public lands was also discussed but nothing resulted.[199] During the following years educational and internal improvement measures reappeared. The Old States were a powerful voice in urging legislation which applied equally to all. The prospects of a surplus revenue was a persistent motive in urging men to invent a means to reduce the surplus and to reduce the fear that so much money might be seized by some unscrupulous power.

The Twenty-second and Twenty-third Congresses spent little time on the matter of education. Occasional grants of land were made for charitable purposes such as the deaf and dumb asylums and the French college of St. Louis. An attempt to grant a township of land for female education in the states of Illinois, Indiana, Alabama and Missouri was laid on the table.[200] Occasionally, a proposal is presented to exchange school lands or to sell them. Little or no debate was exchanged on these bills. For the next decade Congress received many requests from the state for permission to either exchange or sell school lands.

A search of some of the newspapers during this period revealed that nothing significant regarding education existed in the press. No indexing of American newspaper articles existed for this period, so one must search

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[199] Register of Debates and Proceedings in the Congress of the United States, VI (March 12, 1830), pp. 164-5.

[200] Register of Debates and Proceedings in the Congress of the United States, IX (January 12, 1833), p. 82.

through stacks of newspapers. One must also remember that the extensive news coverage which existed in today's papers simply did not exist then. This did not preclude that the average person was unaware of the need for a good system of education. Moreover, states did have funds for education. What happened to these funds can not be determined. J. M. Peck in his book, A Gazetter of Illinois, estimated that the funds and claims of Illinois for education were at least two million dollars.[201] Unfortunately, not all of the claims materialized as quickly as the states desired. The states of the Old Northwest were still frontiers. A view of maps, pictures, and gazetters of the time will reveal the frontier-nature of the Northwest territory states. Peck gave an excellent commentary on education in his Gazetter.

> But it is sincerely and ardently hoped that the patriotism, foresight, intelligences and liberality of Congress, after reducing the press of the public lands to the actual settler and cultivation, will be manifested in applying all future proceeds to the object of common schools, by some equitable appointment amongst the several states of the Union. Hitherto these lands have been pledge for the payment of the national debt. That being now accomplished, I cannot but hope this question will be settled, to the entire satisfaction of all the parties, by a consecration of the net proceeds to the noble, beneficial, and truly national purpose of educating every child in the Union. Such a disposition of the public domain would reflect more honor on this nation, and ten man to its aggrandizement, than a hundred wars or a thousand victories. It could provide for a triumphant conquest of human ignorance, and convey joy and gladness to millions of hearts.
>
> Notwithstanding, the liberal provision in funds and lands for education, little has yet been done by the legislature in providing

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[201] J. M. Peck, A Gazetter of Illinois, (Jacksonville, Illinois: 1834), p. 81.

> a system for common schools. A law framed in 1820, providing for school districts to become incorporated by the action of the county commissioner's court, upon a petition of a majority of the qualified voters of any settlement. The voters in each district, by a majority of votes, could levy a tax not exceeding one half per centum on property and appoint trustees and other officers to manage the business.
>
> This feature of the law was soon made unpopular and a subsequent legislature repeated that portion that authorized the levying of a tax, and made other modifications by which it remained on the statute book as a matter of very little value.[202]

Peck's comment apparently advocated the need for education for every child in the nation. Suggesting that education be financed by the national government, Peck pointed out that the school systems needed to be established and that Illinois was slow in establishing schools. His comments gave understanding to why such leaders as Horace Mann and his contemporaries worked dilligently in establishing common schools. The advocates of common school education realized that the national government was not going to establish legislation on education other than grants. Following the spirit of the Knox and Smith essays, who wrote that if a national system could not be established, then streng state systems should be developed, Mann and others devoted their efforts to developing unified systems of education within the individual states. The monumental task of Mann and Barnard has been the subject of many exhaustive works. When viewing the poor state of education in the United States at this time, it is easier to see why efforts were devoted to establishing good state systems rather than to divert the energy to cajole Congress into passing supportive legislation. The journals of education at this time allude to the

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[202] Ibid., pp. 81-2.

expectation of federal involvement in education, but the realities of the pressing situation dictated the main concern of educators would be devoted to developing good state systems. Peck proclaimed:

> A complete common school system must be organized, sooner or later, as will be sustained by the people. The lands, education funds, and wants of society call for it.
>
> Many good primary schools now exist without a legislative system, and where three or four of the leading families unite and exert their influence in favor of the measure, it is not difficult to have a good school.[203]

Indicating the need for a common school system in Illinois, Peck concluded that the needs of society would demand such a system. The mere fact that Peck spent so much time to comment on the subject of education was indicative of the importance which he held for education. He also confirmed the general assertion that settlers and travellers were concerned with schools. The unique aspect of this section was that he suggested that the federal government become involved in the problem of developing common schools in the states. His interest reaffirmed the contention that there were proponents for a national system of education. Perhaps, writings such as Peck's, which was not a professional journal but a common gazetter, gave rise to the fears of Congressmen, such as Senator Tyler, who feared the establishment of a national system of primary schools.

On January 19, 1835, Senator Moore of Alabama introduced a bill which would permit the state of Alabama to apply "The two per cent fund arising from

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[203] Ibid., p. 83.

the net proceeds of the public lands in said State, reserved for the making of roads to the same, to the purpose of education."[204] In the opening arguments Senator Moore proclaimed that the State of Alabama had not utilized its two per cent fund for road building since there was no great road leading to Alabama. Neither the citizens of the State of Alabama nor the federal government were interested in road construction. However, the citizens wished to use this money for another important purpose, the establishment of common schools in Alabama. He, therefore, wished Congressional approval to transfer the two per cent road fund over to the General Assembly for the support of common schools. The land grants made by the federal government were insufficient and often furnished no aid whatsoever for common school.[205]

> We may confidently look to this as the means of erecting a system of primary schools which will carry education to the door of every man in the State, by which the sons of the farmer, the mechanic, and those who get their living by the sweat of their brow, will be better qualified for all the various occupations of life, by which the youth of our community will be placed more upon an equality by giving to the sprightly intellect and individual superiority of mind of the son of the humblest individual

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[204] Register of Debates and Proceedings in the Congress of the United States, XI (January 19, 1835), p. 224. It also should be noted that with the reporting of the Twenty-third Congress, two official reports were published and overlay this congress. They are the Register and the Congressional Globe. No significant differences exist between the two records. However, the author decided to finish out the period by utilizing the material recorded in the Register. After the Twenty-third Congress all references will be made to the Congressional Globe as it is the official record of the actions of Congress until it is replaced by the Congressional Record in 1873. The Congressional Record is the current official publication. However, it often contains speeches and material which is not actually presented on the floor of the House or Senate.

[205] Ibid., pp. 224-5.

> among us (for in this class extraordinary genius is as often found elsewhere) the power of expansion, and the power, too, or competing with those upon whom fortune has been more bountiful in her gifts of worldly blessings, for any public station of honor or profit known to the constitution and laws of a free people.[206]

In this proposal Senator Moore wishes to substitute the endowment of education for internal improvements. Although the concern of the state for education is laudatory, it is noteworthy that the state is requesting federal money by which to develop its system of education. The appeal was made on the concept of providing for the general welfare of the inhabitants of the State of Alabama.

Mr. King of Georgia objected to the proposal indicating that the new states had already received more than their share of subsidization by the federal government. He felt that the two percent fund for road construction in Alabama was just as much under the control of Congress as any other money in the National Treasury.

> Now his honorable friend (Mr. Moore) supposed there were poor children there. Why, there was none. And, yet Alabama came here to ask the bounty of the General Government. Why it was literally populated with nabobs and slaves; and as to the latter, he believed the former were quite competent to take care of themselves.[207]

Senator King now linked slavery to education. Obviously, he assumed that the slaves need not be educated and that the nabobs could provide for themselves. Since Georgia originally was settled by convicts and other undesirables and had

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[206] Ibid., p. 225. In passing the reference to providing for the needs of education of the poor, sound similar to remarks today by legislators who advocate funds for the education of the culturally disadvantaged. The development of the intellect of the poor man's child as advocated by Senator Moore could readily apply to the Johnson program of the War on Poverty. Although 130 years have passed, we still have the problem of providing goo education for the poor.

[207] Ibid., p. 226.

achieved their position within the Union under these conditions, King felt the other states could fend for themselves. He further stipulated that Senator Moore should apologise to Congress for making such a proposal.

The heat and searing feelings of King's speech come alive on the pages of the Register. In the grand style of a Southern orator, he attacks Alabama, which to him is not South, but merely one of those new land states. His call for an apology and his reference to slavery are initial tones of a rising scale of disagreement which is beginning in Congress and the final note of which will be heard in the attack of Fort Sumter.

The eminent Daniel Webster obtained the floor and spoke on this bill which he considered a local measure. His thinking reflects the fact that Massachusetts had been working diligently and had become a leader in the establishment of free common schools. Thus, he introduced another area of difference into the general debate, namely: should common education be free? And so what appeared to be a simple transfer of funds evoked many different attacks and raised several new issues. Webster elaborated thusly:

> It was proposed to apply this fund, with the consent of Alabama, to another equally important objective—common education. If it was the pleasure of the State to apply it to the latter purpose, in preference to the former, he knew of no interest which the United States could have in objecting to the change. . . . He did this for the purpose of establishing the character of the schools; a character which ought not to be departed from when grants were asked of a public character, whether in the form of land or money, or in any other form. The amendment reported by the committee provided that this fund should be appropriated to schools for the education of the children of the indigent. These were two principles connected with general public education, which he desired to keep in view, and they were both consistent, elementary and important. One of these principles was that the schools should be free, that is, without charge; they should be common, that is, open to all. . . . Where all were on equality, without reference to property, or birth, or any other distinction, they were common schools, and no

> consideration of wealth was necessary to entitle them to admission. This principle should be kept in view whenever the Government makes grants of money or lands for schools. Common schools ought to be for elementary primary knowledge. He wished the consent of gentlemen, to change the phraseology of the bill so as to appropriate the fund to the establishment of three common schools, and to leave out all which referred to the indigent; because he thought that the amendment should not recognize any qualification or the want of it.[208]

Webster in his remarks advocated that Alabama should be permitted to use its internal improvement funds for education if it could be guaranteed that schools would be free and open to all. He further stipulated that Congress should specifically state that three schools should be erected and that the remainder of the money could be utilized to educate the indigent.

Senator Poindexter disagreed with Senator Webster and felt that those who could pay should apy for their education. He also stipulated that the State of Alabama should use only the interest from the internal improvement fund for education. Webster replied that his impressions were the reactions of a person who lived in a state where common education was prevalent. He felt that those who could be taxed could continue to be taxed, and that should not prevent the poor from attending good schools. Senator Ewing supported Webster in advocating that the schools be free and attended by rich and poor alike.[209] After these arguments on the issue of whether the schools should be free and open to all, the hornet's nest of legislators buzzed around the issue of the constitutionality of such a grant. Finally, the legislators decided to lay the bill on the table.

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[208] Ibid., pp. 227-8.

[209] Ibid., pp. 228-9.

Significantly, this discussion linked education with several new issues. First, since the older states had developed their educational systems, they contended that the newer states could adopt a pattern similar to their structure. Second, the proposal itself was unique for in 1834, President Jackson had vetoed Senator Henry Clay's bill to appropriate certain proceeds of the sales of public lands for internal improvement on education. In his veto message Jackson had stated that "Congress possesses no constitutional power to appropriate any part of the moneys of the United States for objects of local character within the state."[210] Evidently, the veto message did not dissuade the State of Alabama, from attempting a new approach to obtain federal moneys for the support of common schools. They had petitioned on the basis of merely transferring funds and applying them to a charitable institution. Both concepts had been accepted by Congress in the past i.e., transferring funds and donating funds to charitable institutions. What Alabama had not anticipated was a floor fight over how the fund could be used in establishing schools. The forces of national common education were not able to establish a national system, but they were able to persuade and suggest that Congress dictate how funds for education should be spent. Although the advocates of national education could not muster support to attain their main objective, they could rally and suggest as Webster did that federal guidelines be established on how a state should spend its education fund.

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[210]Richardson, III, op. cit., p. 56.

Since educational development on the state level was inadequate, educational journals of the period devoted their efforts toward the establishment of good state systems. Envisioning that the forces for common schools must divide their time between a national system and a good local system, one can grasp why the majority of efforts were concentrated upon good local systems. First, the philosophers realized that this was a more practical approach. Knox's essay contained a statement to the state legislatures on forming a good state system; then he viewed the question of a national system of education. Second, it was a well recognized principle that the central government should primarily be concerned with establishing itself. Since the government faced many problems, and since economic independence was not achieved until after the War of 1812, the advocates of universal common education concentrated upon local development. Results were more readily available at the local level. Complicating the issue was the large number of religious schools. The entire question of public support of religious education had to be investigated. Since educational leaders had many time-consuming obstacles to overcome, they naturally could not direct their full attention to the establishment of a national system. Their general attitude was reflected in journal writings.

> In all the Western States, public opinion gives tone to legislation. Legislation must provide public instruction for all; and to ensure such provision, the legislature must possess constitutional power, and be supported by the voice of the majority of the people. The question of power is settled in most states. Ohio, Michigan, Indiana, Missouri, Mississippi and Alabama, all have expressed provisions in their Constitutions requiring their legislatures to enact laws for the support and encouragement of education.
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> There is indeed in many places, an apathy and in some instances pervading the whole States, that at first view, would seem to contradict this assertion, but on a closer observation, it

> will be found that the apathy excels more on account of a general agreement of opinion in favor of the principle, than from any opposition to it. For some years it was thought by good men that the whole labor of making public provision for education must rest on a few enlightened philanthropists and that public opinion was adverse to it. This sentiment seemed to paralyze the energies of men. More recently, however, several of the States, of which Pennsylvania deserves to be particularly mentioned, have broken ground, and ventured to present to the people more enlarged plans. To this how many of any considerable influence, either public or private, was avowedly opposed, so far as he was concerned, but many trembled, least it would alarm the public, and expose the whole system to popular opposition.211

This statement in the Western Academican and Journal of Education and Science vividly described the problems, trials and errors which existed in the formation of the state school systems. While much headway had been made, much more had to be achieved in order to attain the goal of good common school education. The problem of religious education was also discussed.

> We now state it as fact proved by all history and experience, that private schools will never hereafter, as they have never heretofore, supplied the wants of the public in regard to education; and if any man doubts this question, let him examine the state of education in every county, and we venture to predict, that he will find no place where the whole people are educated, unless it is by public provision.212

In addition to this analysis of the current status of education the article alluded to the desirability of establishing a national system of education embodied in a national university as suggested by Washington. Another hint that this national movement had not been abandoned was stated:

211Samuel L. Lewis, "The expedience of Adopting Common School Education to the Entire Wants of the Community," Western Academician, I (November, 1827), p. 524.

212Ibid., p. 532.

> It is only by making public provision for education that this beautiful system of government with all its advantages in possession and in prospective, can be sustained. It is, therefore, expedient because it is in the highest sense patriotic, to educate the whole people, for proof of this, let us refer to the opinion of Washington, and from him down including almost every prominent statesman, all of whom concur in the general sentiment, that whatever else we may do, we cannot succeed with this.213

In another article in that same journal Alexander discussed the importance of creating departments of education in the state government, and having public instruction under their immediate supervision. He pointed out that such organization was necessary and would greatly aid the centralization of information when a bureau is created by the federal government. Although the Bureau of Education was not created until after the Civil War, several proposals were submitted to Congress requesting that a standing committee on education and a bureau of education be established. Momentum increased for establishing some type of federal bureau of education. Noah Webster aptly summarized these early struggles and Alexander Campbell quoted Webster's statement that:

> The constitutions are republican and the laws of education are monarchial. The former extended divil rights to every industrious man; the latter deprive a large portion of the citizens of a valuable privilege.

Although Webster wrote this at the beginning of the Nineteenth century, the same conditions prevailed after forty years of strenuous efforts. Although great strides had been made, much remained to be accomplished if common

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213Alexander Campbell, "Report on the Importance and Practicability of Creating a Department in the State Government and Having the subject of Public Instruction under their Immediate Supervision," Western Academician, I (November, 1837), p. 606 quoting from Noah Webster Collection of Essays, "On the Education of Youth in America," (Boston, 1790), p. 24.

education was to be universally available.

In brief, from 1820 to 1840, the issue of education was linked to many new issues such as internal improvements and slavery. The Presidents did not mention education in their addresses to any great extens; perhaps, John Quincy Adams is to be excluded. The impetus for educational legislation eminates from either the states as seen in the Maryland proposal or from the legislators as seen in the Dickerson proposal. Congress for the first time stopped and evaluated its course of action in the area of education. These years are transitional years. The federal government will have the opportunity now to concern itself with internal matters for much of the foreign discord with England had been resolved. The internal problem presented at the time of the Grand Convention was still present. The disagreement between the various sections of the country will be amplified in the next two decades. Educational legislation will be affected by this internal unrest.

CHAPTER SIX

1840 - 1860 THE TRIAL YEARS AND THE TURNING POINT

The Jacksonian Era ended with the first national victory of the Whig party in the turbulent election of 1840. The diplomacy of expansion permeated the decade of the "Forties." The fruits of Manifest Destiny were the acquisition of Texas and Oregon. By 1850, the United States stretched from the Atlantic to the Pacific. With the completion of United States expansion, politicians focused upon growing sectionalism. The giants of Congress--Clay, Calhoun, and Webster--died shortly after the Compromise of 1850. The years immediately preceeding the Civil War were filled with numerous attempts to halt the inevitable conflict.

In the generation before the Divil War, the foundations for a common school system were laid by the forces favoring public education. Although this period witnessed the growth of private schools, its most distinctive feature was the widespread acceptance of the fact that elementary education should be free, compulsory, and tax-supported. From 1837 to 1843, Massachusetts, under the leadership of Horace Mann, set an example for other states to follow by organizing a system of common schools.

Proposals concerning education were numerous in the federal legislature. During these years and in the following years, the agricultural movement appeared and gained strength. On February 3, 1840, a memorial was presented to Congress requesting the establishment of a Department of Agriculture and

Education. The memorial stated:

> That the prosperity of the country would be greatly promoted by the establishment of a new department styled by the Department of Agriculture and Education, and by requiring of primary school teachers and others in making out reports on the state of education in their respective schools. . . .[214]

This memorial was the first of several proposals which linked agriculture and education. The various Agricultural Societies petitioned Congress for the endowment of agricultural colleges. Farmers saw and felt the need for the development of science and agriculture. As attested by this memorial, education and agriculture were inseparable. Although the memorial advocated the establishment of a Department of Agriculture and Education the functions attributed to this department included such diverse items as whether or not school or public libraries should be established. The memorial also asked for the collection of statistics on schools and school districts with an evaluative comment on good and evils of the existing system of education. The memorialists hoped to establish a national museum from which all teachers could borrow scientific specimens. They proposed an information system so that all teachers could keep abreast of "the improvements of the age, the history of the year."[215]

This memorial, like its predecessors on other educational matters, was referred to the Committee on Agriculture, where it died. No significant

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[214]Serial Set, 26th Congress, 1st Session, Document No. 181 (February 3, 1840), p. 1.

[215]Ibid.

measures affecting education were passed during this session of the Twenty-sixth Congress.

The second session of the Twenty-sixth Congress opened with a memorial presented by Alden Partridge on January 21, 1841. This petition requested "Congress to adopt measures with a view to the establishment of a general system of education for the benefit of the youth of this nation."[216] For the first time the forces which had silently been advocating a general educational system openly advocated a national system of education. Eloquently arguing for universal education, Partridge cleverly refuted many of the standard objections of rendering aid to education. His opening arguments referred to eminent dangers approaching the nations:

> Has not the sacred name of religion been dragged into the arena to aid in fomenting that unhappy and unhallowed excitement, which, under the name of abolitionism has been, and is now, agitating the country from one extreme to the other, and which unless hushed by the indignant thunders of the popular voice, will eventually render assunder our happy union?[217]

This statement clearly demonstrated that even this memorial was subject to the emotional outcries of the abolitionists; yet in 1840, the abolitionists were just beginning to be heard.

Partridge's plan embraced an outline similar to the Knox and Smith essays

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[216]Serial Set 26th Congress, 2nd Session House of Representatives, Document No. 69 "National Education--System of," p. 1.

[217]Ibid., p. 3.

> Your memorialist will next proceed to propose a plan, which, if carried into practical effect, would establish a national system of education in the United States, which would be in perfect accordance with the principles of our republican institutions, and which would supersede the present antirepublican and monastic system. It is as follows: Let Congress pass a general law, appropriating forty millions of dollars, to be paid by annual installments, out of the proceeds of the sales of the public lands, for the purposes of education: this money to be distributed among the States, in proportion to their representation on the floor of Congress, in such manner that the smallest States shall have at least one institution, and the largest five. The terms on which the States shall be entitled to receive money to be as follows, viz: That the Legislature of each State shall establish (either by establishing new or remodeling old institutions) such number of seminaries as it shall be entitled to, on the following plan, and embracing the following course of instruction, viz: . . . .[218]

Partridge, like Noah Webster, referred to the existing legal structure of the United States as antirepublican. The vestiges of colonial law and customs greatly influenced American life. Noah Webster contended that the law governing education were monarchial in that only a privelaged few had the opportunity to be educated.[219] Partridge called the system, "monastic" rather than monarchial. Although the word choice was different, but implied that education was a valuable privilege denied to many. Desiring federal control of education, Partridge stipulated that Congress would establish a course of instruction for all schools.

Patridge's proposed curriculum embraced many of the concepts expounded earlier in the essays of Knox and Smith. An essential point of the curriculum

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[218] Ibid.

[219] Webster, op. cit., p. 24.

was the elimination of anything which was sectarian. The subject range included, mathematics, history, civil engineering, philosophy, literature, modern languages, military science and physical education. The entire course of study was to develop men skilled in the practical and useful arts as well as in the classics. The plan embraced secondary schools as well as colleges:

> But for the purpose of extending this plan, so that the great body of the people might receive its benefits, it would be necessary to make provision for the establishment of secondary institutions upon the plan of the "polytechnic schools" of France. The course of instruction at these institutions although less extensive, should be conducted on the same principles as in those of the first class.220

Partridge also advocated the extension of his plan to the common schools:

> In order to insure the advantages of the secondary class of instruction to the great body of American youth, who may wish to acquire an education of a higher order than can be obtained at the common schools, your memorialist would propose that there should be twice as many allowed to each State as of the first class; and that an additional fund of twenty millions of dollars should be appropriated, from the proceeds of the sales of the public lands, for their establishment and support. The whole number of these institutions would be about one hundred and sixty; and twenty millions of dollars would furnish a fund of one hundred and twenty-five thousand dollars for the establishment and support of each. A due proportion of this fund should be applied to the construction of the necessary buildings, and the procurring of a library, apparatus; &c; and the balance to constitute a permanent fund the interest of which should be applied to the support of instruction, &c.221

Partridge clearly was recommending a comprehensive plan for a national school system. His petition closely followed the guidelines of the Knox and Smith essays. The remaining question was the legality of such a wide-sweeping plan.

220Serial Set, 26th Congress, 1 session, House Document No. 69, (January 21, 1841), p. 5.

221Ibid., p. 6.

In his memorial, Partridge presented his arguments for the proposal. He stated that under the phrase "to provide for the common defence," Congress had the power to enact such legislation as necessary to aid its people.[222] Since his plan included military science courses, military tactics would be disseminated among all the people. The result would be a well disciplined and militia which would aid the common defense of the nation.

Under the phrase "To promote the general welfare" Partridge felt that his universal education proposal would assist all people and would enhance the intellectual level of the United States, and thus promote the general welfare:

> The plan merely proposes that Congress offer to the States a portion of the public funds (the common property of all) to be appropriated under State authority, for the accomplishment of a great State and national object, agreeable to certain conditions prescribed by Congress. Here is certainly no encroachment on the rights of the States or of the people . . . .[223]

Although Partridge assumed that his proposal was relatively simple, he failed to realize the ramifications of his suggestion. With historical hindsight, one can envision the problems then and now of distributing federal aid to education

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[222]Partridge's claim that education could be aided by means of Congress's power to provide for the common defence is a forerunner to the National Defense Education Act. The N.D.E.A. was based not upon Congress's power to control education, but rather to provide for the common defence. This is an example of how Congress relates education to a specific purpose. Recall that Congress is aiding education by maintaining the naval and military academies. Providing for West Point and Annapolis was an amplification of Congressional power to provide for the common defence. Thus, by utilizing this power of Congress, the legislators could aid education without involving itself in the question of whether or not it had the expressed power to control education.

[223]Serial Set, 26th Congress 2nd Session, House Document No. 69, op. cit., p. 7.

through a state authority. Whether the state acted as the sole distributor of the federal funds or whether the State shared the cost of an educational system, the conflict of interest could be seen. The question then and now was: What does the federal government do if the states fail to comply with the general regulations of the federal government? Partridge did not consider the question of compliance in his memorial. Emphasizing only the positive aspects of his plan and hoping that everyone would envision his plan as the only answer to the question of education, Partridge deleted all comments on the administrative feasibility of such a plan. Since Partridge was not a politician he failed to comprehend the ramifications of distributing federal funds to the states.

The Partridge memorial clearly demonstrated that a movement did exist which advocated the establishment of a national system of education. The document also pointed out that concepts which would be embodied later in the Morrill Act were being discussed in the 1840's. Such items as appropriations for colleges on the basis of Congressional representations, and the incorporation of military science were essential points in the Morrill Act. The present day concept of distributing federal funds through the State was found in this document. However, Congress never did accept the Partridge memorial, for it too was referred to committee and died there. An important aspect of this plan was to inform Congress of the great need for educational funds which existed throughout the states. Partridge by pointing out this need did exert influence upon Congress. Although not attaining his purpose, he did persuade some Congressmen to take up the cause of education.

The most important piece of legislation passed by the second session of the Twenty-sixth Congress was the Distribution and Pre-emption Bill. W. C. Johnson, a representative of Maryland, fought bitterly to include the subject of education with the discussion on the Distribution and Pre-Emption Bill. The primary purpose of the Bill was to distribute the proceeds of the public lands to all the states and to guarantee certain rights to settlers who had inhabited certain land tracts without actually owning the land. The Bill was caught in the whirlwind of the current controversies. Clay introduced the Bill and after much heated and prolonged discussion the Bill passed both Houses, but Johnson's education rider was defeated. However, since twelve of the seventeen states which received the grant for internal improvements devoted whole or part of that distribution to education, the Bill did become an important step in aiding education. Moreover, since the twelve states had to request Congress's permission to use the distribution grant for education, and since Congress did approve the use of this grant for education, the Bill demonstrated that Congress was favorable to aiding education. However, Congress was willing to aid education only through internal improvements legislation rather than a precise and explicity aid to education bill. Congressional action on this matter was acceptable for aid by means of internal improvements and land grants had been was founded on precedents established in the Northwest Ordinances and previous legislation. To enact a bill giving direct aid to education would arouse many objections especially on the legality of such a proposal. In any event, the Pre-Emption and Distribution Bill fulfilled a small part of Partridge's request. The nation was not ready to establish a national system of education, but it did appease the clamors of

those who advocated a national system of education.

The discussion on the Distribution and Pre-Emption Bill clearly demonstrated that the forces for aiding education were hard at work. Although the advocates of the Distribution and Pre-Emption Bill contended that surplus money existed in the Treasury, many felt that the Treasury funds were low. The advocates of the bill countered by proposing a tariff increase to insure money in the coffers of the Treasury. Such a proposal was folly to others. Why advocate a high tariff in order to siphon money for internal improvements? Arguments on the bill highlighted the many sectional controversies of the period--the low tariff interests v. the protective tariff interests; internal improvement advocates v. the strict constructionists; old states v. new states; cheap money people v. dear money investment houses. Obviously only a compromise bill would pass in order to placate the rivaling factions. The amendment proposed by Mr. Johnson is that the money to be distributed should be used for education, and it brought additional complication to the entire bill. The amendment was doomed from the start. Some opponents felt that the federal government would control education:

> But in the second section it is provided that the residue of the money distributed to the States generally is to be applied for purposes of education, of internal improvement, to reimburse the debt of the State for such works, or for any other purpose the State Legislature may prefer. It is there the option is left with the States: but here is a recommendation, and in some circumstances, especially in the case of a gift recommendation is nearly equivalent to command.[224]

[224] Congressional Globe, X (June 29, 1841), p. 138.

This statement depicted the fear that a federal gift probably would mean a federal command. Although this statement focused upon the states' rights controversy, it was only a prelude to additional arguments which amplified existing sectionalism in Congress. Actually sectionalism existed from the formation of the Constitution. The term, "sectionalism" has been applied to represent the differences that existed among the various sections of the country. The forces of growth and expansion divided the nation into sections where men's interests and ways of life differed widely. Bitter conflicts in Congress reflected these differences as each section attempted to secure legislation that would benefit its interests regardless of the other sections. Eventually, this struggle between the sections gradually centered on the question of slavery and on whether the new territories would be "slave" or "free." The rift between the North and the South deeply divided the sections; the inevitable war, the "irrepressible conflict" occurred with the attack on Fort Sumter.

Sectionalism was evident in the debates on the Distribution and Pre-Emption Bill; education was a part of that controversy:

> We shall then hear no more on this floor about 'the gentlemen of the North' and "the gentlemen of the south'--sound which always grates upon my ears and have often grieved my heart. Sectional divisions will cease, and we shall come at last practically to feel and realise that we are one people, separated indeed by state lines, and dwelling under distinct State Governments, but still one great, united, happy powerful people. Is this a result to be deprecated? Is this the way to dissolve the union?
>
> Apply these funds to purposes of education and what will be the result? Will it not tend to perpetuate our Republican institutions? Does not the gentleman from South Carolina know what intelligence among the people constitutes the very life-blood of such a government? That without it liberty cannot exist? Yes, diffuse knowledge among the people, bring the blessing of education

> to every man's door, and there will be no longer any danger from the wiles of the demagogue or the plottings of ambitious men, who love power for power's sake, and care not for the highest and best interest of their fellowmen.[225]

Representative Cooper's statement confirmed once again that some individuals looked to education just as Washington did, to unite the national character of the United States. To think that education alone could dissolve growing sectionalism was unwarranted. The problem of sectional divisions embraced complex political, economic and social questions. Education alone could never resolve these differences. Even Cooper, himself, carried the juxtaposition which was evident in so many legislators. While advocating education as a panacea for sectionalism, Cooper firmly declared that the "government has no power to establish a system of general education."[226] Education could not resolve the conflict which Cooper possessed within side of himself, nor could it resolve the conflict that exist elsewhere. Cooper like so many could not answer the question: If the federal government had no power over education, why did he advocate that the federal government give funds to the states for education which he hoped would unite the national character?

The debate was so fierce that the House did not adjourn for a long weekend to celebrate the fourth of July. On the eve of the great Independence Day, Mr. Habersham declared:

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[225] Ibid., p. 143.

[226] Ibid.

> Some gentlemen had gone so far as to say that a revolution, or a separation of the Union, would be the consequence of the passage of this bill, and that the new States would claim the dominion over all these lands under the doctrine of States Rights.[227]

Needless to say, only twenty years later the Union would break. The long debate re-emphasized the same arguments which had been heard before. Finally the factions united, defeated the Johnson educational amendment, and passed the bill by a vote of 116 to 198 in the House and by a vote of 26 to 23 in the Senate. The President signed the bill into law on September 4, 1841.

For the next decade Congress reviewed no innovating proposals concerning education. The states presented the usual requests to substitute lands for original grants or to apply the distribution grant for educational purposes. No serious objections were raised nor did any important debates on this issue occur. The federal government was involved with a War with Mexico, the Annexation of Texas, and with the Oregon Territory question. However, it should be noted that petitions were presented to Congress to appropriate moneys for the establishment of institutions of agriculture. These petitions reflected the interests of the growing agricultural movement which Partridge had represented earlier in his memorial. Since little or nothing was done to aid agriculture, the farmers united to press their cause. The final victory for the agricultural college movement was the Morrill Act of 1862.

When admitted into the Union without any dissent, Iowa had permission to use her land grants for the support of common schools. Through this initial

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[227] Congressional Globe, X (July 3, 1841), p. 150.

grant and the Distribution Act of 1841, Iowa had developed her common school system largely by means of federal grants. In 1849, when Iowa wished to sell certain lands, she needed Congressional approval. Although approval was granted, the request pointed out clearly that the financing of at least one state school system depended upon Congressional action. If Congress had failed to allow Iowa to sell her school land, her entire school system would have been helpless.[228] For those who declare that Congress exercised no control over education, it was evident that through land legislation Congress indirectly controlled state financing of education.

During the fifties, the agricultural college movement gained strength in spite of continuing sectional hostilities. In 1847, Professor Jonathan B. Turner of Illinois College in Jacksonville, Illinois, retired from his position to devote his efforts to the agricultural college movement. He desired a national system of agricultural colleges. In 1850, at a convention of teachers in Pike county, Illinois, he suggested a plan for the establishment of a State university utilizing funds from the college and seminary fund. In 1851, he addressed a convention of farmers at Granville, Illinois which formulated plans aimed at acquiring an agricultural university for Illinois. These farmers felt the need for establishing schools to promote agricultural science. At the Chicago convention of 1852, the delegates, who at this convention of the Duel Institute organized the Industrial League of Illinois, proclaimed that Congress should donate public lands for the establishment of

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[228] Congressional Globe, Appendix, XX (February 8, 1849), pp. 89-90.

agricultural colleges. The fourth convention met at Springfield, Illinois on January 4, 1853, and requested that the legislature petition Congress to establish a system of industrial universities, one in each state, by means of a land grant.

Although Professor Turner and the state of Illinois are often cited as leading forces in the national agricultural college movement, other advocates were found in other states. Representatives of the Eastern seaboard states met on January 26, 1853, to "consider the subject of a practical national system of university education."[229]

The strength of the Agricultural college movement was attested by the fact that it took only six years for their memorial to reach the form of a bill on the floor of Congress. Representative Morrill introduced the measure providing 20,000 acres of land for each representative a state had in Congress for the establishment of agricultural and mechanical arts schools. Although the Senate failed to consider the Bill which had passed the House of Representatives, the measure demonstrated that some aspects of the Partridge memorial were still alive. The bill indicated that at least a movement to establish a national system of agricultural colleges did exist. Although eventual enactment of the Morrill Act did not establish a national system of agricultural education, it did provide for agricultural colleges.

The agricultural movement was not the only group concerned with the problems of national education. In 1851, the fourth annual meeting of the

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229Paul Selby, "The Part of Illinoisans in the National Educational Movement, 1851-62," Transactions of the Illinois State Historical Society, IX (January, 1904), p. 224.

Board of National Popular Education met:

> to promote National popular education by such means as may seem suited to that end; and especially by taking measures to supply well qualified teachers to places destitute of them.[230]

The organization unlike many other movements was concerned with common schools and especially the problem of staffing common schools with qualified teachers. The organization considered the common schools a very important element to popular education. The organization accused colleges and universities of failing its obligations to prepare qualified common school teachers to educate all the children in the community.[231] Contending that the greatest need of the day was common schools, they suggested that Congress spend one-tenth of its annual military appropriations for teachers who would join the westward migration.[232] The perenial problem that Congress spent more on defence than on education was evident then as it is now. The concept of a group of teachers to follow settlers was a prototype of today's Teachers' Corps. In any event, the organization was not sufficiently strong nor was Congress interested in promoting funds for teacher recruitment and placement.

In 1852, Congress considered a bill "to encourage agriculture, commerce, manufacturing and all industry by granting 160 acres to the head of a household under certain conditions. The discussions on this Homestead Bill of 1852 were insignificant. The opposition was strong and the bill never succeeded.

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230 Fourth Annual Report of the General Agent of the Board of National Popular Education, (Cleveland, 1851), p. iii.

231 Ibid., p. 7.

232 Ibid., p. 10.

However, the Appendix to the Congressional Globe indicated that a motion was made by Mr. Churchwell of Tennessee to appropriate 100 million acres among the States for the purpose of establishing common schools in all states.[233] The Congressional Globe itself did not record such a motion. The fact, however, that it was mentioned in the Appendix indicated that the movement to establish some type of national system of education was exerting influence upon some members of Congress. Churchwell's proposal was similar to the Partridge memorial of establishing a national school system and would also have probably been acceptable to the Board of National Popular Education.[234] However, the strife that resulted from the conflicts over the Fugitive Slave Act and other measures concerning the delicate balance of power between North and South precluded passage of any significant legislation.

All legislative discussions during the fifties were in some way influenced by the growing controversy between the North and the South. Internal conditions were hampered by the Kansas-Nebraska Act and the Dred Scott decision. Even though internal discord was evident, Representative

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[233] Congressional Globe Appendix, XXV (April 20, 1852), p. 433.

[234] The fact that the Appendix mentions Churchwell's motion and the fact that it is not mentioned in the Globe is not significant. The Appendix is merely an extension of remarks. Congressmen request permission to place in the Appendix those items which do not appear in the floors of Congress for such reasons as lack of time. Often these speeches are printed beforehand and are based upon certain assumptions; for example, they might be refutations of speeches which they think will be made in Congress. If the speech is not made in Congress, the refutation could still appear in the Appendix. This might pose a problem to those who are unaware of how items appear in the Appendix.

Morrill did introduce a bill advocating the establishment of agricultural colleges in 1857. On April 22, 1858, Mr. Cobb, chairman of the committee on public lands stated his view on the Morrill measure.

> I suppose that if this bill passes, the people of every State will have a right to ask Congress to provide for their common schools and other local institutions. The poor will have a right to come and ask Congress to grant lands to aid in the erection of buildings to shelter them from the inclement weather.[235]

The Morrill Bill passed the House, but was not considered by the Senate. At the next session, the Bill was introduced by Senator Stuard of Michigan, but the Senate refused to consider it. The vote to consider the bill was a tie which was broken when Vice-President Breckinridge of Kentucky, cast his vote in the negative. Senator Wade of Ohio reintroduced the Bill later in the session. At that time the issue centered more upon the constitutionality of the question than any other aspect. The opposition presented an apt summary of the history of legislation concerning education and concluded that Congress from the inception of the Constitution until the present time had no power to legislate on education. To this lengthy history on the unconstitutionality of the Morrill measure, the proponents replied with a speech by Senator Bell.

> I do not regard this measure as either a violation of the Constitution, or a gross iniquity in any sense. I do not mean to go into the history of similar appropriations, or even to enumerate them; but I will state that some one hundred million acres have been given for purposes of internal improvement, or improvement of some description, and education in the several States. A hundred million acres of public lands have been given for objects not defined in the Constitution specifically, and under power that must have been

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[235] Congressional Globe, XXVII (April 22, 1858), p. 1742.

> liberally construed to advance the object for which any power in the Constitution were given.
>
> This has been done under the general power to dispose of the public lands, without any limitation on that power by the Constitution.[237]

Agreeing that this measure followed established traditions, the Senate by a vote of 25 to 22 on February 7, 1859, passed the bill.

President Buchanan, however, vetoed the bill on the grounds that it was unconstitutional. In his veto message, President Buchanan outlined six major objections to the measure. First, he considered that the bill would be a great drain on the national treasury. Secondly, he questioned the role of the federal government and the states. He wrote, "Should the time ever arrive when the State governments shall look to the Federal Treasury for the means of supporting themselves and maintaining their system of education and internal policy, the character of governments will be greatly deteriorated."[237] Thirdly, he felt that the bill would cause great havoc in the new states by lowering and cheapening land sales. Fourthly, he flatly stated that "the federal government which makes the donation has confessedly no constitutional power to follow it into the States and enforce the application of the fund to the intendent objects." Fifth, he contended that the bill would interfere with existing colleges and their right to teach the science of agriculture. Finally, he stated that Congress lacked the power to donate the public lands to the States to provide colleges for the purposes of educating the inhabitants of the States. Since Buchanan was "doleface" and a States' rights

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[236] Congressional Globe, XXVIII (February 1, 1859), p. 855.

[237] Perley Poore, comp., Veto Messages of the Presidents of the United States (Washington, 1886), p. 261.

advocate, his position was easily discernable. Congress endeavored to pass the bill again, but failed to obtain the necessary two-thirds majority to override a Presidential veto.

The Morrill Act was passed on July 2, 1862, but by this time the opposing voices had seceded from the Union. The passage of this measure represented an achievement for those who had fought so galantly for the establishment of a national system of education. For others who had advocated that the central government should do more for education, the measure had extended hope.

After the Civil War, Congress was more liberal in interpreting the Constitution; the War had demonstrated the ascendance of the central government over the states. The list of bills, memorials and resolutions presented to Congress from the Civil War to the present time for the furtherance of educational objectives was indeed a long one, as such it should recieve special treatment. To investigate the topic of education from the time of the Civil War to the present would involve many additional sources. First, the Congressional Globe and the Congressional Record report congressional action in greater detail than their predecessors, the Annals of Congress. Second, committee reports and testimony are now available, but are poorly indexed. Third, communication has expanded; thus the researcher might sift through radio speeches, TV panel scripts. The high speed presses have made the written word more available. A research would have many more journals and articles to pursue. Fourth, more legislation was passed concerning education since the Civil War than before the Civil War. Among some of the more notable acts of Congress were: Hatch Act of 1887, Smith-Lever Act of 1914, Smith-Hughes Act of 1917, Smith-Hughes Act of 1924, George-Reed Act in 1929, the

George-Ellsey Act of 1935, George-Dean Act of 1937, the George-Barden Act of 1945, Smith-Hardhead Act of 1920, the various G. I. Bill of Rights, the National School Lunch Act of 1946, the National Defense Education Act of 1958, and the Elementary and Secondary School Act of 1965.

In addition to the Morrill measure one other measure concerning education was introduced to Congress during the years immediately preceding the Civil War. The problem of the common schools of the District of Columbia was presented to Congress. As in past discussion Congress questioned its role in providing education for the District of Columbia. The speakers generally questioned the right to take money out of the National Treasury to educate the children in the District. Contending that Congress could not make grants from the Treasury to individual states for education, they held that Congress could not take Treasury money to aid the district's common schools. The opposition argued that if Congress had the power to grant lands for educational purposes for the states in the Union, then Congress had the power to grant lands for District of Columbia schools. Some proposed that Congress authorize a tax for the support of the district's schools. At the final vote, Senate bill No. 191 passed by a narrow margin. The bill provided for an appropriation of one million acres of public land to be sold for the benefit of free public schools in Washington, D.C.[238]

In 1860, the schools of the District of Columbia were again in need of funds. Senate Bill No. 76 was introduced to provide an appropriation for the

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[237] Congressional Globe Appendix, XXVIII (May 15, 1858), p. 379.

[238] Congressional Globe, XXIX (April 12, 1860), pp. 1676-1679.

benefit of the common schools of the District of Columbia. Sharp debate followed because the representatives did not feel that Congress had the right to provide for the education of the Negroes.[239] Before the issue could be resolved, the Southern States seceded from the Union. The measure then passed without Southern opposition.

In viewing the score of years from 1840 to 1860, one notes that although many measures concerning education were passed, most were adjustments or land exchanges concerning previous land grants of Congress. However, three significant things occurred. First, Partridge's Memorial for a national system of education demonstrated the existence of a movement to establish a national system of education. Second, the proponents of national education did have sufficient strength to attempt to attach an amendment to the Distribution Act of 1841, which would have made generous grants to education. Third, the growth of the agricultural college movement was significant during this period for it was able to finally present the Morrill Act to Congress. Although initially defeated, the Morrill Act of 1858 demonstrated the strength of the movement. The Morrill Act became the corner stone for new legislation affecting education after the Civil War. Upon examining the discussions, memorials and proposed measures, it was evident that there was a movement to establish a national system of education in the United States. The movement for many reasons, however, was not successful in its attempts to establish a national system of education.

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[239] Ibid.

CHAPTER SEVEN

SUMMARY, COMMENTS AND CONCLUSION

An analysis of Congressional proposals, Presidential messages, and journal articles in the preceding chapters has demonstrated that a movement to establish a national system of education did exist. Several consistent patterns are evident from this examination of the records of Congress and Presidential messages on the subject of education.

The indices of the official Congressional journals contain no reference to the subject of education *per se*. The topic of the national university was the closest allied reference to the subject of education. To trace this topic, a researcher must investigate such topics as internal improvements, roads, canals, railroads, deaf and dumb asylums, treasury surplus, national debt, constitutionality, states's rights and the tariff question. Thus, the first observable fact concerning the movement to establish a national system of education is that education is linked to a plethora of subjects. Moreover, if Congress had explicit power over education, the topic would have been discussed on its own merits. The very fact that it was linked to so many subjects was indicative of the fact that Congress did not feel it had exclusive power over education.

The second significant point was that legislation affecting education was based upon concepts contained in the Northwest Ordinances. Congress followed the precedent established by the Confederation Congress of granting land to

promote education. Providing land for charitable institutions amplified this precedent. Proposals which did not embrace these concepts usually met defeat. Congress readily exercised its influence over education in the territories and in the states formed from the territories, but did not aid education in the original thirteen states. Once a state, formed from territorial land, entered the Union, Congress continued to exercise control over those lands which it had granted for educational purposes. Such action confirmed that Congress had a sphere of influence over education in the new states. For some, this authority overland grants gave Congress the power to exercise power over education. To others it was construed as a violation of proper exercise of authority. Thus we can see that education like other legislation was subject to the struggle between "loose" and "strict" constitutional interpreters.

While developing the concept of implied powers in such matters as commerce and banking, Congress failed to establish its power to control education. In essence, Congressional action demonstrated that Congress had the power to endow education by means of its land granting authority. However it felt it did not possess the power to establish and regulate schools per se. By permitting states to utilize funds designated for internal improvement for schools, Congress tacitly approved the indirect subsidizing of schools. On a few occasions, Congress even granted lands for the establishment of colleges. When granting tracts of lands for educational purposes, Congress was really endowing education with its main source of wealth, since the wealth of the United States during its formative years lay in the land. Although Henry Clay, in 1818, was the first to specifically state to Congress that land

grants were financial encumbrances, Congress tacitly realized this in the Northwest Ordinances when it recognized the importance of education and donated land to foster education.

Some federal legislators feared the establishment of a national system of education even though such a system was not formally proposed. The mere fact that fear existed over the possibility of establishing a system of national education was indicative that such a movement did exist. What is not said is often more significant than what is said. When a national university was proposed, the opponents refuted not the concept of a national university, but rather the extension and influence that this university would have upon the primary schools in the nation. From the first proposal on establishing a national university during Washington's administration to the Morrill proposal of 1856, the Congressional journals record constant fears on the part of statesmen that these proposals would develop a national system of education. Their fears indicated that such a movement did exist. The movement did not have the organization which is attributed to modern lobbies, but it did have supporters who petitioned Congress and continually brought the matter up for Congressional consideration.

This national university was a key point in the movement to establish a national system of education. Both Knox and Smith in their prize winning essays for the American Philosophical Society had indicated that a national university was the apex of a national school system. Du Pont's analysis of the American school system also confirmed the need for a national system of education and envisaged the national university as a part of that system. Since these works were distributed and read by the populace, the legislators

were probably acquainted with them.

When Washington advocated the establishment of a national university, opposition to this proposal developed. Disagreement focused first upon the constitutionality of such a proposal. Second, legislators indicated that although the suggestion was good, Congress did not have the necessary funds to support the university. Washington not only stated that the university should be accepted on its own merits, but that this university would foster national character. The concept of national unity to some meant the development of the American character. To others it meant the extension of Federalism. Once the unacceptable factor--the extension of Federalism--had been linked to the national university, the states' rights advocates opposed all measures to develop a national university. Thus the very plan by which Washington had hoped to unite the country served only to amplify the existing differences between the Federalists and the Anti-federalists.

The question of "loose" v. "strict" constructionists, the Federalists v. Anti-Federalists, were signs that the government had not settled the problem of the scope of federal power and its relationship to the authority of the state. The dilemma of national union v. state sovereignty was initially solved by the various compromises in the federal constitution. However, the administrative feasibility of enacting legislation was hampered by the differences of opinion on the role of the federal government. Although the initial compromises in the Constitution had been established, the individual legislators upheld their positions on various pieces of legislation. Washington was well aware of these differences as he indicated in his final address to Congress. Washington and other Chief Executives envisioned education as a means to establish national

unity. But since their national university was tinged with federalist concepts, and the national university was viewed as the apex of a national system of education, the likelihood of success for such a proposal was limited from its conception. Fear of enchroachment of state's rights, coupled with the usual objections to the measure was sufficient to defeat the proposal. The typical method of overcoming presidential proposals on the subject of the national university was to refer the measure to committee where it died.

The fear which some felt toward the national university extended even into the area of education in the District of Columbia. In 1796, when Madison proposed that a university be established in the Federal District, the question arose as to whether this would be a national university of a university for the District. Madison, as noted in a previous chapter, hedged on the point, and the motion was defeated. However, it became evident in subsequent discussions that Madison had envisioned that this university in Washington, D. C. would be a national university.

This issue permeated all discussions concerning education in the District. Each time a proposal was introduced to aid education in the District by means of a college, the opposition was always fearful that such a college might become a national university. Congress feared that establishing a university in the federal district would mean that Congress would have to support the university. In the early years of the federation, the opposition objected to the measure because money to support such an institution was lacking. In later years, the legislators objected to supporting common schools in the District on the grounds that Congress had no right to use Treasury money to support a system of common education in the District. For in a sense it would be using

national revenue to support a particular school system. Since Congress had no control over education, it stated it could not support the common school system. Needless to say, it reluctantly endowed the common schools of Washington, D.C. in meager amounts probably to insure education for their own children.

The legislators were acrimonious in their debates on aiding a school system in Washington, D.C. which might place Negroes and Whites in the same classroom. Congress also failed to properly endow Washington's schools because the South objected to educating the many freed Negroes who lived in the Federal District. These sentiments would permeate all discussions on the issue; the slavery question was even carried over to the discussions on the proper utilization of land grants for educational purposes.

When attempts to establish a national university failed, the proponents then felt that education could be aided through internal improvements. Although Jefferson did not abandon the idea of establishing a national university, he was the first to introduce the concept of using federal money for internal improvements and education. However, Congress was not willing to endow education by means of internal improvements until 1818, when Illinois was admitted to the Union. At the time Congress did not endow education directly, but it permitted the states to use the money for internal improvements for education if the state so desired and if Congress approved. By now, the movement to establish a national university had subsided, it would be briefly mentioned again in 1823. Then, no more proposals for a national university were presented to Congress until after the Civil War. One of the main reasons for this decline in interest

was the growth of sectionalism.

For all practical purposes the United States could have been divided into four sections--the northeast, the northwest, the southeast and the southwest. Depending upon the issue, the sections aligned themselves with each other. Thus on the question of slavery the northeast and the northwest united to form the North against the southeast and the southwest who as the South favored slavery. The Compromise of 1820, served as a prime example of the sharp differences that existed between the North and South. Congress began to debate legislation not only on its own merits, but also on how it was related to the balance of power as established by the Compromise of 1820. If an extension of past legislation would upset this truce, then Congress would question the extension of such legislation. For example, Congress began to question land grants to charitable institutions such as the deaf and dumb asylums, which had been traditionally endowed.

On the land question, the older states which were composed of the northeast and the southeast aligned themselves against the newer states of the northwest and the southwest. The older states petitioned Congress to obtain their share of the Congressional land grants which the new states received for educational purposes. Realizing how valuable the land grants were financially Congress was rather reluctant to give additional funds. Several factors complicated the issue. First, the controversy over internal improvements had not been resolved. Second, the Treasury was beginning to develop a surplus, and the question of the day was what to do with the surplus revenue. Since the question of aid to education was linked to both lands and finance, it drew from several possible sectional arrangements. Sectionalists questioned

educational aspects of all proposals before Congress; many bills were defeated, or died in committee. Those bills which passed were usually readjustments of existing educational legislation, such as request to substitute certain land tracts for the original sixteenth section of land granted under the Northwest Ordinance.

An example of the sectional nature to the struggle for aid to education can be seen in the struggle over the Pre-Emption Bill of 1841. During the debates over that bill, many Congressmen feared that federal aid would mean federal control, or as they stated federal aid was nearly equivalent to command. Even at this late date, some hoped that by aiding education the Pre-Emption Bill of 1841 would strengthen the bonds of the Union. Others held an ambivalent position on this bill. Representative Cooper was an example of the ambiguious position held on the bill. He, like many others, contended that education could unite the nation, but at the same time he denied Congress the right to exercise any authority over education. In any event, the Pre-Emption Bill, when passed, failed to enact any legislation concerning education.

During the remaining years before the outbreak of the Civil War, the forces for a national system of education petitioned Congress to establish such a system. The agricultural movement gained strength and was able to present a measure to Congress to establish national agricultural colleges. However, that measure did not succeed. The Morrill Act of 1862, was passed largely because the opposition to federal aid to education had seceded from the Union.

Legislation affecting education after the Civil War really had to wait

until the completion of the Reconstruction Period. However, the Morrill Act and the establishment of a Department of Education in 1862, indicated continuing Congressional concern about education. With the establishment of the National Education Association, professional educators had a united front with which to approach Congress. Since World War I, Congress has passed much legislation aiding education. This legislation can trace its origins to the proposals before the Civil War. Such concepts as the federal and state government sharing the cost of a project had been proposed and discussed in the 1820's. In the 1830's Congress was asked to aid college building programs, but did not. Today, colleges may obtain federal funds for building purposes. In the 1830's Congress also considered aiding the poor by providing schools for them, but it failed to act. In 1965, Congress enacted the Elementary and Secondary Education Act which provided monies for the education of children in deprived areas.

In conclusion, an analysis of the legislative proposals presented to Congress before 1860, indicated that first, Congress was concerned about education, and showed its concern by granting land for educational purposes. Second, Congress reaffirmed its concern for education by amplifying and extending its land grants or by giving the money from land sales to states for educational purposes. Third, although the forces were present advocating a national system of education, they were not able to achieve their objective for three basic reasons: the conflict between the loose and strict constructionists; the conflict among the sections of the country; and a lack of internal organization with the movement itself.

Until the initial issue on the role of the federal government could be

resolved, little legislation affecting the role of the federal government could be passed. At times the factions had united for the common purpose of survival, such as in the War of 1812 or in the War with Mexico, but education was lost in the shuffle. The clash between the various sections was finally resolved by a show of force rather than legislative compromise. Even a century later the forces of sectionalism are still prevalent, as witnessed by recent clashes between state governments and the federal government over the administration and implementation of the National Defense Education Act and the Elementary and Secondary Education Act.

Finally, the movement to establish a national system of education was not sufficiently organized to persuade Congress to act. While various groups either directly or indirectly favored or advocated a national system of education, they lacked a united effort. They realized that their chances for success were limited and usually concentrated their efforts, as Knox had suggested, in establishing a common school system at the state level. Although the periodicals of the times indicated that educators were hopeful for a national system they resigned themselves to developing good state systems.

In summation then, contrary to the many commentaries which indicate that the federal government did nothing regarding education between the Northwest Ordinance and the Morrill Act, the government by considering proposals for a national system of education and amplifying legislation concerning education, continued and reinforced its role as an integral participant in education. Precedents were established and the foundations for future legislation were laid. The movement to establish a national system of education was not sufficiently strong to overcome obstacles and accomplish its purpose; but it

was sufficiently strong to continually keep the topic of education before Congress, and herein lies its value and contribution.

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APPROVAL SHEET

The dissertation submitted by Patricia Bernice Kubistal has been read and approved by members of the Department of Education.

The final copies have been examined by the director of the dissertation and the signature which appears below verifies the fact that any necessary changes have been incorporated and that the dissertation is now given final approval with reference to content and form.

The dissertation is therefore accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy.

January 20, 1968
Date

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